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Monday 29 August 2016

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Lundi 29 août 2016

Standing Committee on General Government

Election Finances Statute Law
Amendment Act, 2016

Comité permanent des affaires gouvernementales

Loi de 2016 modifiant des lois
en ce qui concerne
le financement électoral

Chair: Grant Crack
Clerk: Sylwia Przezdziecki

Président : Grant Crack
Greffière : Sylwia Przezdziecki



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENT

Monday 29 August 2016

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Lundi 29 août 2016

*The committee met at 0901 in room 151.*ELECTION FINANCES STATUTE LAW
AMENDMENT ACT, 2016
LOI DE 2016 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LE FINANCEMENT ÉLECTORAL

Consideration of the following bill:

Bill 201, An Act to amend the Election Finances Act and the Taxation Act, 2007 / Projet de loi 201, Loi visant à modifier la Loi sur le financement des élections et la Loi de 2007 sur les impôts.

The Chair (Mr. Grant Crack): Good morning, everyone. I'd like to call the Standing Committee on General Government to order. I'd like to welcome you all. I hope you're summering well.

We are here this morning to continue our work on Bill 201, An Act to amend the Election Finances Act and the Taxation Act, 2007. Clause-by-clause consideration will take place as per the order of the House dated May 31, 2016.

We'll get right down to business. Are there any questions or comments before we begin the actual clause-by-clause? Mrs. McGarry.

Hon. Kathryn McGarry: Thank you very much, Chair, and good morning. I am seeking unanimous consent for the committee to stand down all sections necessary to consider amendments 45 and 78 in the package, following which the committee will commence consideration of section 1.

The Chair (Mr. Grant Crack): So you're requesting to stand down 45 through 78, or just 45 and 78?

Hon. Kathryn McGarry: Amendments 45 and 78.

The Chair (Mr. Grant Crack): So you're asking to stand down all amendments until such time as we get to number 45, and then we'll do 78. Is that what I understand?

Interjection.

The Chair (Mr. Grant Crack): I understand. There is a request for unanimous consent to stand down sections 1 to 44 and then 46 to 77. Do we have any discussion on the unanimous consent request? Madame Fife.

Ms. Catherine Fife: The intention is that we debate 45 and 78 because they're money bills, right?

Hon. Kathryn McGarry: Yes.

Ms. Catherine Fife: Thank you.

The Chair (Mr. Grant Crack): Do we have unanimous consent?

Ms. Catherine Fife: Yes.

The Chair (Mr. Grant Crack): Yes, we have unanimous consent. Carried. We will stand down amendments 1 to 45, and we'll pass it to Mrs. McGarry.

Hon. Kathryn McGarry: I move that paragraphs 1 to 5 of subsection 32.1(2) of the Election Finances Act, as set out in section 26 of the bill, be struck out and the following substituted:

“1. In the 2017 calendar year, \$0.678 multiplied by the number of valid votes cast for the party's candidates in the election referred to in subsection (1).

“2. In the 2018 calendar year, \$0.636 multiplied by the number of valid votes cast for the party's candidates in the election referred to in subsection (1).

“3. In the 2019 calendar year, \$0.594 multiplied by the number of valid votes cast for the party's candidates in the election referred to in subsection (1).

“4. In the 2020 calendar year, \$0.552 multiplied by the number of valid votes cast for the party's candidates in the election referred to in subsection (1).

“5. In each subsequent calendar year, \$0.510 multiplied by the indexation factor determined for the calendar year under section 40.1 and further multiplied by the number of valid votes cast for the party's candidates in the election referred to in subsection (1).”

The Chair (Mr. Grant Crack): Any discussion on amendment number 45? Mrs. McGarry.

Hon. Kathryn McGarry: Thank you very much, Chair. I'm recommending voting for this motion because the individual contribution limits in the bill were already substantially reduced from the current situation, and are now being reduced even further. The increase in the per-vote allowance as proposed in this motion would ensure that election campaigns continue to be appropriately funded.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: Thank you, Chair. I find it interesting that the first motion that we're going to be talking about at this committee is how to increase the amount of funding from the public to political parties. I find it quite ironic, actually. But I do want to say—you know, take the minister's argument that to reduce proposed contribution limits and therefore increase the taxpayer subsidy is the rationale for this motion.

Minister, I don't see any other amendments in the package dealing with constituency associations and how they're to be funded. Everything in the amendment package provides for transfer of public dollars to the party, leaving constituency associations limited in their ability to raise funds.

Maybe the minister can share with this committee what the thoughts and the rationale is from the government on how local riding associations will be impacted, but no corresponding amendment to mitigate the impact on local riding associations.

The Chair (Mr. Grant Crack): Further discussion? Mrs. McGarry.

Hon. Kathryn McGarry: Thank you, Chair. I can say that from all that the chief electoral officers heard from, there was support for public funding, recognizing that the lower donation limits coupled with an increase in per-vote allowance will help parties to carry on their work.

The Chair (Mr. Grant Crack): Further discussion? There being none—

Mr. Randy Hillier: Chair?

The Chair (Mr. Grant Crack): Oh, Mr. Hillier.

Mr. Randy Hillier: Thank you, Chair. I'll be a little bit quicker. I was looking over to the third party to make sure that they weren't being missed in the rotation.

The response didn't address the question that I raised that there's nothing in the package to minimize the financial reduction for riding associations. There's also nothing that I saw that would improve the reimbursable expenses for riding associations or local campaigns. And I guess there's one other thing, because the committee did hear frequently from a number of deputants that increasing the per-vote subsidy—or even using the per-vote subsidy model—wasn't necessarily the most sincere or genuine way.

If we want to look at publicly funding political parties, the rationale was that a party that gets the most votes in election year should correspondingly get the most money each year of a four-year mandate. As we know, the support that a party enjoys in an election year may be very different two years later or three years later or four years later. Did the government consider other funding models, Minister?

0910

I guess the other thing is that there is an amendment later on in the package for a review. I believe the third party has put forward a review mechanism of the per-vote subsidy. Can this committee expect that the government will be supportive of the NDP motion to review the per-vote subsidy amendment that the NDP has tabled?

The Chair (Mr. Grant Crack): Further discussion? Mrs. McGarry.

Hon. Kathryn McGarry: I'm just going to say that increasing the per-vote allowance is a transparent method of supporting political parties to run election campaigns, and no motions were submitted on this, so parties will be free to work on ridings with the money there.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: Maybe just a follow-up: Is the government amenable to the review process of the per-vote subsidy? You're looking for our support on increasing the taxpayer subsidy; I think it's a fair question. Will the government be supporting an open and transparent review of the per-vote subsidy that the NDP have proposed in their amendments?

The Chair (Mr. Grant Crack): Further discussion? Thank you very much; there is no further discussion.

Just for clarification purposes, we are dealing with government motion number 45, which is an amendment to section 26, subsection 32.1(2), paragraphs 1 to 5 of the Election Finances Act. There is no further discussion so I shall call for the vote on government motion number 45. Those in favour? Those opposed? I declare government motion 45 carried.

As per the unanimous consent, we will stand down amendments 46 to 77 and we will move to section 53, which is an amendment to subsection 52(1), subsection 44(1) of the Election Finances Act, which is government motion number 78. Mrs. McGarry.

Hon. Kathryn McGarry: I move that subsection 52(1) of the bill be amended by striking out "10 per cent" at the end and substituting "five per cent".

The Chair (Mr. Grant Crack): Any further discussion on government motion number 78? Mrs. McGarry.

Hon. Kathryn McGarry: I recommend voting for this motion because lowering the percentage of the popular vote required for a candidate to receive reimbursement for a portion of campaign expenditures helps to offset the political contribution limits proposed in this bill. The new lower threshold was a recommendation from the Green Party, should the reimbursement be kept.

The Chair (Mr. Grant Crack): Mr. Clark.

Mr. Steve Clark: Just to add to what the minister said, I think this is a recognition that although the other political parties were not included at the table by the government in this committee's format, this does represent a recommendation that has been part of our deliberation. I would encourage all members to support it.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on government motion number 78, which is an amendment to section 53, subsection 52(1), subsection 44(1) of the Election Finances Act. Those in favour? Those opposed? I declare government motion number 78 carried.

We shall return back to the beginning: PC motion number 1, which is proposing a new section, 0.1. So a new section 0.1, new subsection 17.1(1.1) of the Election Act. Mr. Hillier.

Mr. Randy Hillier: I move that the bill be amended by adding the following section:

"Election Act

"0.1 Section 17.1 of the Election Act is amended by adding the following subsection:

"“Contents of permanent register

"“(1.1) The permanent register shall include the following information for each elector:

"“1. The name of the elector.

“2. A permanent identification number that the Chief Electoral Officer shall assign to the elector.

“3. The name of the electoral district of the elector and the address of the elector in the electoral district.”

The Chair (Mr. Grant Crack): Further discussion?

Mr. Randy Hillier: Thank you, Chair. The committee has heard significantly, from a wide spectrum of people, about the need for greater disclosure in our political contributions and our financing of election parties. In addition, anybody and everybody here has been involved in some campaigns of one sort or another. We have seen the electors list cause significant problems over the course of my three campaigns: errors, omissions, inconsistencies, and oftentimes a very late delivery of them when they are indeed somewhat closer to being accurate.

The PC Party has advanced this motion to help both with the disclosure mechanisms and the desire to have greater accountability and disclosure for people contributing to political parties. But also, as a side benefit, this would streamline and make our voters list mandatory, and that it be kept up to date and be more accurate.

I think it is a much-needed improvement to our electoral system to have a permanent voter identification mechanism.

The Chair (Mr. Grant Crack): Further discussion? Ms. Vernile.

Ms. Daiene Vernile: Thank you, Chair. While I appreciate your concerns, Mr. Hillier, I’m going to recommend that we vote against this motion because the intent of the bill that we have before us is to focus on election finance reforms. While we do support adding a permanent ID number to the permanent register of electors, it would be beneficial to seek the advice of the relevant officers of the assembly, as in the Chief Electoral Officer; he needs to be part of this conversation.

We are committed to undertaking additional reforms, such as changing the fixed election date to the spring, that came on the recommendation of the Chief Electoral Officer. We also accept his recommendations on modernizing a range of election processes. But again, to take you back to the intent of the bill, that is to look at finance reform. What you are suggesting is operational, and it’s really outside the scope of what we’re here to do.

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: The NDP will be supporting this motion from the PC Party. We heard very clearly, actually, from the people of this province that they’re looking for greater transparency in the entire electoral process.

You need to follow the money, and following the money is a bit of a problem in the province of Ontario, as we’ve seen. We’re supportive of this amendment. We think that had the electoral officer been part of the process from the very beginning, he would have embedded this as part of the process, because if you’re going to talk about election financing, you also have to talk about the electors and how you identify them. So we will be supportive of this motion.

The Chair (Mr. Grant Crack): Mr. Clark.

Mr. Steve Clark: Thanks, Chair. I’m a bit surprised by the government’s position. Certainly this is an issue that I’ve spoken to the Chief Electoral Officer about many times. I even, after the last election, distributed some information to all members of the Legislature and was very pleasantly surprised that all parties had supported the fact that we need to devote some time to make a better permanent registry.

0920

With all due respect to Ms. Vernile’s comments, this is why the Premier appointed this committee and put us out at first reading: so we could have a big debate and actually solicit ideas from people to make this process better. I think the fundamental pillar is the permanent register. For us to not put measures in the bill that would improve the register—by having an identification number, as proposed by my colleague’s motion—I think sets our process for the next four days off to a very interesting start.

I would encourage members, especially government members, to rethink their position and to support this motion. This is a good, fundamental recommendation that will improve all of our elections and will address some of the problems that our constituents continually bring up election after election after election.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: I find quite ironic, but also contradictory, the statements from Ms. Vernile. The government has an amendment in the package to expand the disclosure of political contributions. For her to suggest to this committee that this motion is outside the scope of the bill—I would expect to see her withdraw her government motions which are of a similar vein.

I’ll emphasize, for everybody’s knowledge, that we are at first reading. This is a unique opportunity for this committee. It is a unique circumstance, where a committee is actually empowered to look at amendments outside the scope of the bill. At second reading, this amendment would be ruled out of order; however, this is first reading. It is relevant to the bill, and this is the very underlying and overarching purpose of having a committee at first reading study a bill.

Bill 201: Let’s not forget that the trigger and the motivation for this bill were to follow the money. This motion, this amendment, makes—and permits—following the money easier. It is not unique. There are many other jurisdictions that have a permanent voters list. This is not radical. It is normal in most jurisdictions.

So I would strongly encourage the government members to continue on with the thoughtful considerations that this committee has exemplified this summer in working in a non-partisan fashion, and not to start off on the wrong foot on the first opposition amendment and lead us astray down a road that we probably don’t want to go on. I would encourage the government members to reconsider their position, and I will ask for a 20-minute recess before any vote on this amendment.

The Chair (Mr. Grant Crack): A 20-minute recess is in order. Is there any further discussion? If there's no further—

Ms. Catherine Fife: Chair?

The Chair (Mr. Grant Crack): Madame Fife.

Ms. Catherine Fife: I'd just like to better understand the opposition from the government to this particular amendment. We have heard that this falls outside of the work of election finance, which has been part of the focus, but it has also been about transparency. So perhaps we could hear from the government side, more clearly, what their opposition is to this particular amendment.

The Chair (Mr. Grant Crack): Any further discussion? Ms. Vernile.

Ms. Daiene Vernile: Well, to use words used by Mr. Hillier, you're looking for thoughtful consideration, and so are we, on this particular issue. That's why it's important for us to consult the Chief Electoral Officer on this.

You're looking at something that is outside the intent of this bill, which is to look at financing. You're looking at an operational change, the way that ID numbers are collected and registered. We believe that we need to have that conversation, but we are focusing on finance reform here, and that's what we're prepared to do.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: One last point: Further review is inherent in the process. This bill will be reported back to the House in some fashion. It will then be subject to second reading debate. It will then be subject to second reading committee. There is plenty of process built in to the one that we're engaged in to request and sit down with the Chief Electoral Officer or with anybody else we may choose to.

If the government then decides at second reading that it is uncomfortable with a permanent voters list, it can strike it down at that time. However, if it is not incorporated into the bill at this time, it cannot be considered at second reading because of our procedures of the House.

Once again, if the government is truly committed to having thoughtful consideration, I would suggest the only way that that can be accomplished is by passing this amendment, debating it at second reading and then debating it in second reading committee hearings.

Once again, Chair, before a vote, I do want not only a 20-minute recess but a recorded vote as well.

Ms. Daiene Vernile: Chair, I just have a comment to make.

The Chair (Mr. Grant Crack): Yes, Ms. Vernile.

Ms. Daiene Vernile: I think that we can consider this at second reading with unanimous consent from the rest of our colleagues. That's where it needs to be done. We do want to hear from the officers of the Legislature.

The Chair (Mr. Grant Crack): Mr. Hillier.

Mr. Randy Hillier: Well, we have heard from the officers of the Legislature—

Ms. Daiene Vernile: We haven't heard from the other members of our Legislature, though.

Mr. Randy Hillier: No, we will hear from the other members of the Legislature during second reading debate of the bill. Further consideration can be contemplated at that time and further amendments could be offered or proposed at that time as well. So it is relevant to the bill. I stand by my case.

Just one final point: To suggest that a unanimous consent could be a more appropriate vehicle—of course, we all know that there is no discussion at unanimous consent. There is no debate on a unanimous consent. You can't have it both ways. You can't say that you want more discussion, more consideration and more debate and then say, "Well, we can do it by unanimous consent." Totally contradictory positions, I'll leave it at that.

The Chair (Mr. Grant Crack): Any further discussion on PC motion number 1?

There being none, there has been a request for a 20-minute recess. That will be granted. There is also a request for a recorded vote. But I would remind members that when I get to the point when I'm calling the question, that's the appropriate time to say that you would like a recorded vote. So we're going to recess for 20 minutes, effective now.

The committee recessed from 0929 to 0949.

The Chair (Mr. Grant Crack): Back to order. Thank you very much.

Prior to the break—I was going to call the question and there was a request for a break, so at this particular time there is no further debate. I'm going to put the question. There has been a request by Mr. Hillier for a recorded vote. That shall be entertained.

Ayes

Clark, Fife, Hillier.

Nays

Hoggarth, Malhi, Mangat, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): I declare PC motion number 1 defeated.

0950

We shall move to PC motion number 2, which is proposing a new section 0.2, section 53 of the Election Act. Mr. Clark.

Mr. Steve Clark: I move that the bill be amended by adding the following section:

“0.2 Section 53 of the act is repealed and the following substituted:

“Declined ballot

“53(1) An elector who has received a ballot may return it to the deputy returning officer with the word ‘declined’ or ‘refusé’ written on the back of it.

“Consequence

“(2) An elector who declines a ballot under subsection (1) forfeits the right to vote and the deputy returning officer shall preserve the ballot, have it returned

to the returning officer and cause an entry to be made in the poll record that the elector declined to vote.””

The Chair (Mr. Grant Crack): Mr. Clark?

Mr. Steve Clark: As most of you know, we had a number of deputants who brought forward suggestions for inclusion in the bill. Mr. Greg Vezina of the None of the Above Party was the person who brought this forward.

It's a simple matter of privacy. Many people feel it's their democratic right to refuse the ballot and have it recorded in private. That's why we've presented this motion for consideration.

The Chair (Mr. Grant Crack): Further discussion?

Ms. Daiene Vernile: I recommend voting against this motion because, again, the intent of the bill is to focus on election finance reform. This is an operational change that you are suggesting, and the motion really is not consistent with the bill's focus on election finance reform.

The Chair (Mr. Grant Crack): Further discussion?

Mr. Randy Hillier: Again, members of the Liberal Party are having difficulty understanding the first reading process. It is not limited to just election financing. If that was the case, this bill would not be considered at first reading; it would have been left for second reading.

It's always best when arguments that are advanced have some basis of fact to them and have some merit. We've not heard any arguments from the Liberal members yet that either have any merit or are based in fact.

It will be interesting, Chair and members of the committee, to see how the Liberal Party responds when we actually get to the cash-for-access amendments advanced by the third party and the official opposition. What will be their spin of why they will be opposing greater disclosure and greater transparency? Certainly it won't be under the guise that it's not within the intent of the bill. They'll have to come up with some other red herring to throw out to the committee.

This is, again, a very clear, very concise amendment. It allows and permits somebody who desires to decline their ballot to do so in privacy. Just as it is a fundamental concept that voting is in private when you select the member that you wish to select, so should your ability be to decline any of those that are listed on the ballot in privacy. I would hazard a guess on why the government views declining ballots in private to be inconsistent with their view of democracy.

The Chair (Mr. Grant Crack): Further discussion?

There being none—

Mr. Randy Hillier: Chair?

The Chair (Mr. Grant Crack): Mr. Hillier?

Mr. Randy Hillier: I'd like to take a 20-minute recess, and I'd like to have a recorded vote on this.

The Chair (Mr. Grant Crack): A 20-minute recess is in order. Is there any further discussion?

Ms. Daiene Vernile: Yes.

The Chair (Mr. Grant Crack): Ms. Vernile?

Ms. Daiene Vernile: Just before we take that 20-minute recess, I want to say to Mr. Hillier, to repeat to

you, as we chatted during our break that in the 36 years that I worked as a news journalist, I came to appreciate how certain politicians, as a strategy, would stretch out matters in order to grab headlines, to see them making headlines for hours and days and days to their advantage. So this is clearly what you are doing. You're saying that we are operating from—

Mr. Randy Hillier: Chair, on a point of privilege. The member has just impugned my motives, contrary to the standing orders. So I do not accept, and I will not permit members to impugn the motives of others—

The Chair (Mr. Grant Crack): Order. Order. Ms. Vernile, if we could stay focused on PC motion number 2, it would be much appreciated.

Ms. Daiene Vernile: I appreciate that, Chair. My concern is that if we continue taking 20-minute motions, it's going to take us quite a while to get through this. We are not really comprehending why it is that Mr. Hillier is wanting to continually take these motions. It's being unnecessarily stretched out, and our desire is to move forward.

Interjections.

The Chair (Mr. Grant Crack): Order. Order. It is within the right of any member, at this particular stage in the deliberations of a bill, to request a recess prior to, and it is within order that—

Mr. Randy Hillier: A point of privilege.

The Chair (Mr. Grant Crack): Mr. Hillier.

Mr. Randy Hillier: The member impugned a motive.

The Chair (Mr. Grant Crack): I'm going to end—

Mr. Randy Hillier: I'm asking the Chair to uphold the standing rules, and to call a member to order when they impugn the motives of others.

The Chair (Mr. Grant Crack): Okay, Mr. Hillier. It's not a point of privilege. What I'm going to do is, we're going to have that 20-minute recess, effective immediately.

The committee recessed from 0957 to 1017.

The Chair (Mr. Grant Crack): Back to order. We are dealing with PC motion number 2, which is an amendment creating new section 0.2, section 53 of the Election Act. We have just finished a 20-minute recess. As a result, I shall call for the vote immediately. There has been a request for a recorded vote.

Ayes

Clark, Hillier.

Nays

Hoggarth, Malhi, Mangat, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): I declare PC motion number 2 defeated.

We shall move to section 1, which is NDP motion number 3, a new subsection 1(0.1), subsection 1(1) of the Election Finances Act. Ms. Fife.

Ms. Catherine Fife: I move that the bill be amended by adding the following subsection:

“(0.1) The definition of ‘campaign expense’ in subsection 1(1) of the Election Finances Act is amended by adding ‘or’ at the end of clause (j) and by repealing clauses (l) and (m).”

The Chair (Mr. Grant Crack): Discussion? Ms. Fife.

Ms. Catherine Fife: We heard very clearly throughout the province from experts and from party leaders that the exemption of polling and travel expenses is seen as a major loophole in this act. We seek to close that loophole. Just to be clear: This amendment would remove the exemptions of research, polling and travel expenses from campaign expenses, thereby including them in the ceiling.

We heard from the leader of the Green Party, who came here on June 7, in Toronto. He made it very clear that polling and travel expenses should be included in the spending limits, and also from Mr. Jean-Pierre Kingsley, who is the former Chief Electoral Officer for Elections Canada. This was one of his last, but more meaningful recommendations: that we include travel, research and polling as expenditures that work against the ceiling, as was also recommended by the Chief Electoral Officer of Ontario.

Just to put the onus on the power of polling in elections, I think that with every passing election we have seen that polling is a very powerful character in the drama of every election. It’s definitely seen, I think, as an unfair advantage when parties are able to access in-kind polling or research expertise or even the travel expenses.

If we are looking, as we have said all along, to try to level the playing field and try to be more open and transparent about finances—election finances specifically—then I would ask that the government and the PC members support this amendment.

The Chair (Mr. Grant Crack): Further discussion? Ms. Vernile.

Ms. Daiene Vernile: I’m going to recommend that we vote against this motion because the province’s electoral districts are not uniform in size. There’s a huge disparity, as we all know, between the bigger ridings and the smaller ridings. The bigger ones are mainly in northern Ontario. If this change is made, candidates who are campaigning in larger ridings are going to be disadvantaged relative to the candidates who are in the smaller ones. Requiring that research, polling and travel expenses count toward campaign expenses may take up a disproportionate amount of a party’s expense limit, especially in the smaller ridings and smaller parties, and it’s thereby going to limit the ability of smaller parties to fairly contest an election.

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: The rationale put forward by the government makes absolutely no sense whatsoever. The Chief Electoral Officer for the province of Ontario has made this recommendation. The former Chief Electoral

Officer for Elections Canada has made this recommendation. This is a loophole. The government not supporting a very open and transparent accounting measure indicates to us very clearly that this government has no intention of strengthening Bill 201. The rationale makes no sense whatsoever.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: Well, all I can say is that’s total poppycock from the Liberal member. This is to include travel and research and polling for political parties. It has nothing to do with how big ridings are. This is about political parties.

Now, as far as I know, all political parties engage the electorate in the whole province. The whole province doesn’t change in its geographical size depending on the party that is seeking election. It’s total—there’s another word that I would use outside, but “poppycock” will do here. I’m surprised the Liberal member did not say it wasn’t within the intent of the bill.

Let me just read something into the record, for those members of this committee who were not here when the Chief Electoral Officer made his final recommendations. As we know, the Chief Electoral Officer or his staff were present during the whole committee process.

On page 9 of his recommendations, he says, “To conclude on this point, Bill 201 has not gone as far as I would have hoped. I think it proposes incremental change when wholesale change is required.” Wholesale change is required. “I think it proposes an oversight system which is problematic and will be seen as being arbitrary.”

He went on specifically, on page 12 of his report, under “New Spending Rules”: “I recommend that travel, research and polling expenses should all be subject to the campaign spending limits for parties.” I know the members on the Liberal side like to parrot the talking points from their corner office, but let’s have, again, some merit to the discussion.

I’m going to go, again, back to the Chief Electoral Officer on page 4 and read a couple of quotes from his recommendations. “My perspective is this: This committee’s work is important for creating a modern election finance system. First reading is a key step in the legislative process. It is the point where the fundamental principles of law are reviewed and revised.” Revised—maybe we should emphasize that word, “revised.” “Presumably, Bill 201 was referred to committee at this stage so its high-level objectives could be appraised and amended.”

That’s the process: Bill 201 was referred to the committee at first reading, so its high-level objectives could be appraised and amended.

“I hope, as Bill 201 moves through the legislative process,” he concludes, “that there will be hearings following second reading so that the public and I will be afforded the opportunity to provide input on details of the amended bill.”

The process is clear. The expectations are clear for everybody in Ontario, except the members of the Liberal Party in this committee. We’re here to review the bill, amend and revise its high-level objectives.

The only ones who have good ideas are not those on the opposite side of this committee table. We have heard from countless deputants, from exceptionally knowledgeable, high-calibre individuals, officers of this Legislative Assembly. They heard it as well. They've brought forward their recommendations. But I suppose election financing must be just too complex for independent officers to understand as well, according to the five Liberal members on this committee.

Every opposition amendment is being voted down, contrary and hypocritical to the very process that the Premier stated publicly to the people of this province. Unacceptable—absolutely unacceptable. If you want to just be a bunch of parrots and not actually engage in reviewing and examining the amendments, then why bother being here whatsoever?

The Chair (Mr. Grant Crack): Okay. Thank you very much, Mr. Hillier. I'll just caution you on some of the wording that you used.

Mr. Randy Hillier: Yes.

The Chair (Mr. Grant Crack): Ms. Fife.

Ms. Catherine Fife: I just want to be clear about why we brought this amendment forward. There are outstanding questions about the role that money plays in elections, the role that money plays in the outcomes of elections and the role that money plays in how legislation is determined and how policy is developed. Those are the questions that we're supposed to be tackling at this committee.

Money does buy polling; money does buy research; money buys travel and accommodations. All of that money right now is off the books. It's not transparent. Right now, it would be an advantage for the biggest parties, the most powerful parties. It needs to be counted in the election financing and the transparency of that election financing.

Had this process actually gone through a very different process—in that the electoral officer would have been part of the crafting of Bill 201 at the very onset—then research, polling and travel would have already been included in the bill and we wouldn't be debating it because, actually, we shouldn't be debating it. It's a common understanding that money is buying these influential players in elections.

Polling, to date, has only increased. The power that polling has on elections has accelerated and plays a major role in influencing voters, especially around strategic voting. If we want to instill some confidence back in the electoral process through a greater transparency of financing, then polling, research and travel need to be included. There is no good rationale to not include it.

1030

The Chair (Mr. Grant Crack): Mr. Clark.

Mr. Steve Clark: Again, I think we had a great opportunity this summer to have a bill finally go out under first reading and to finally have a process where we had independent officers feel very free to come forward and provide recommendations. For us to be sitting here now, early on in this clause-by-clause process—and let's re-

member that the order of the House is a four-day process. To have the government so fundamentally be tone-deaf to what independent officers have said, to look at the measures that they've already voted down that were very small measures—I can't for the life of me understand why the members hadn't brought up some of these issues during the discussion.

Chair, you made a very good point that you wanted to have a collaborative process. We had the Chief Electoral Officer or his designate sit here for every single hearing that we had. We brought him twice to provide a deputation before the committee. For the government to just not acknowledge the importance of some of his recommendations—what are we going to deal with for the rest of these recommendations? What is the government's answer going to be when we actually get down to cash-for-access when we can't even get the government's head around some fundamental changes that an independent officer has brought forward?

This doesn't bode well for the rest of the amendments when the government is this—I'll use the word—"tone-deaf" to what we've been hearing all summer.

The Chair (Mr. Grant Crack): Further discussion? Ms. Vernile.

Ms. Daiene Vernile: Chair, I would just like to say that I agree with you in your comments when you referred to Mr. Hillier as making inappropriate comments when he referred to some of his colleagues as being parrots. That's degrading and inappropriate.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: Cluck, cluck, cluck, cluck, cluck.

The Chair (Mr. Grant Crack): Mr. Hillier. Order.

Interjection.

The Chair (Mr. Grant Crack): I'm going to entertain comments with reference to NDP motion number 3.

Mr. Randy Hillier: Chair, there's a process. It's open. It's public. It's transparent. It's called the Legislative Assembly of Ontario. We have a process. The Premier of this province, the leader of the Liberal Party, has provided a process for discussion and conversation, and did it at first reading. Now the actions of the Liberal members betray the very words of the Premier.

The Chair (Mr. Grant Crack): Okay, Mr. Hillier—

Mr. Randy Hillier: No, no. This is the process—

The Chair (Mr. Grant Crack): But we're dealing with NDP motion number 3, Mr. Hillier.

Mr. Randy Hillier: On NDP motion number 3, what we heard was that the government will not entertain approving this. We heard that they want to have some other process to discuss these things. We just had a whole summer of process. We have another number of months of defined process—an open and a transparent process. Why is this process not good enough for the Liberal members to consider these amendments? Why do they want to come up with some other process? And why do they want to continue hiding money in not disclosing expenses such as travel, research and polling? What is this? We demonstrate. We identify. We record all our

campaign expenses. The Chief Electoral Officer has said that these ought to be captured as well. Many others, in addition to the Chief Electoral Officer, have said that these ought to be captured.

Instead, the transparent Liberals want to keep a whole bundle of cash hidden from view from the public. That's what I see. What else I see, Chair, is that this committee is being turned into a total sham by the Liberal Party of Ontario and its five members on this committee. They are not interested in appraising high-level objectives. They're not interested in examining and investigating cash-for-access. They're interested in hiding from the public.

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: I was going to ask for a recorded vote, please, Chair.

Mr. Randy Hillier: And a 20-minute recess, please.

The Chair (Mr. Grant Crack): Further discussion?

A request for a 20-minute recess is in order. When we return, I will call the question immediately, at which time I would just remind the members to remind me of a recorded vote.

A 20-minute recess is effective immediately.

The committee recessed from 1036 to 1056.

The Chair (Mr. Grant Crack): Back to order. We are dealing with NDP motion number 3. There was some lively discussion. I had called for a vote. There was a request for a recess. That has been entertained, so I shall call the question.

Interjection.

The Chair (Mr. Grant Crack): Ms. Fife?

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote. I appreciate that.

There will be no further discussion. Those in favour of NDP motion number 3?

Ayes

Clark, Fife, Hillier.

Nays

Hoggarth, Malhi, Mangat, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): I declare NDP motion number 3 defeated.

We shall move to PC motion number 4, which is an amendment to subsection 1(1) of the Election Finances Act, definition of "contribution." Mr. Hillier.

Mr. Randy Hillier: I move that the definition of "contribution" in subsection 1(1) of the Election Finances Act, as set out in subsection 1(1) of the bill, be amended by striking out "nomination contestant" wherever that expression appears.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: You'll see through the amendment package that the official opposition has set forth

quite a number, quantity-wise, of amendments that all have to do with nomination contestants. Again, consistent with the Chief Electoral Officer's recommendations, and I think intuitive to everyone on this committee, these motions would not capture nomination contestants under the same guidelines, the same legislative framework, as members of provincial Parliament or ministers of the crown. Again, that should be fairly clear.

What triggered this bill was the appearance and the perception—and possible or potential conflicts—of ministers of the crown soliciting and engaging in cash-for-access. I think everybody is in agreement that those actions need to be significantly curtailed. Hopefully most members of this committee want to see them unlawful.

However, to put the same restrictions on a nomination contestant at a local riding association is inconsistent with the motivations of this bill. It also becomes a significant and, I would say, undue hardship for nomination contestants in Timmins—James Bay, or, indeed, Leeds—Grenville or Lanark-Frontenac—people who may be of modest means and want to engage in the political process and who don't have a broad network of fund-raising activities.

Local nominations are just that: They're local nominations. Also, as a nominee, as a contestant, there is no ability for that nominee to actually influence or alter policies of their own party, let alone of the Legislative Assembly. They're just an individual who is seeking to get into the political arena. So to place the same legislative requirements for disclosure, for auditing—the breadth of requirements that Bill 201 proposes—is just not called for.

The Chief Electoral Officer thought that it was an unfair and undue burden to place nomination contestants in the same light as ministers of the crown. You will see, through the amendment package, many amendments striking out the words "nomination contestant." Those will all be consistent with the Chief Electoral Officer's recommendations.

The Chair (Mr. Grant Crack): Further discussion? Ms. Hoggarth?

Ms. Ann Hoggarth: I recommend voting against this motion because removing references to nomination contestants from the act is inconsistent with the government's commitment to strengthen the rules around election financing and levelling the playing field among political participants.

Nomination contestants should be subject to the same kinds of rules as other political participants in our democratic process. Removing nomination contestants from the rules on contributions would create a significant loophole due to the requirement of nomination contestants to give surplus funds—and that's in section 7 of the bill. The amendments have the effect of creating a loophole to allow parties and their entities to be funded by unreported corporate and union donations without any limits.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: Just to clarify, where it's striking out "nomination contestant" is in the reporting mechanisms, not in the caps. Contrary to what Ms. Hoggarth mentioned, the caps would still be applicable, but the auditing and reporting mechanisms would be altered with our amendment. There would still be the caps. They would still be prevented from soliciting or receiving union or corporate donations. It just takes out the reporting and auditing mechanisms that would be applicable to those who actually are elected.

The Chair (Mr. Grant Crack): Further discussion? Mr. Clark.

Mr. Steve Clark: Again, we have a number of amendments regarding nominations.

I know that both Mr. Hillier and I had had contested nominations prior to our election to the Legislature. I know that my nomination took place in the middle of the election.

I certainly didn't see any of this problem that the government is talking about. As my colleague has said, if you look at the reporting mechanism that is being discussed and you go back and reread the Chief Electoral Officer's comment about this section, to place—and I'll use Mr. Hillier's word—this burden on a nomination contestant I don't think is necessary. Again, I'd like to understand, from the government, exactly what problem they're trying to fix here. I don't see a nomination contestant as someone that would be subject to cash-for-access, unlike the government ministers that basically started some of the reporting that we saw from, for example, Adrian Morrow of the *Globe and Mail*. I don't see this issue. I guess I'm asking for clarity from the government again.

The Chair (Mr. Grant Crack): Further discussion? Ms. Hoggarth.

Ms. Ann Hoggarth: We believe that many of the nomination contestants will eventually be in the Legislature. As members of the Legislative Assembly and/or cabinet, they will be subject to all the rules. Therefore the same principles regarding access to funding, transparency and creating an even playing field should apply.

In regard to the Chief Electoral Officer, he said that "the greater transparency, the better for all Ontarians." We believe that it needs to start right at the nomination process. We do know that many nomination processes had a lot of money dumped into them. We are trying to change so that money is not as influential in the process. It should start right at the nomination process.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: Just for clarification, the member said that they believe that many of the nomination contestants will be members of the Legislature. Well, that's numerically and mathematically impossible. Most contestants do not become elected. Even at a nomination contestant level, if there is an actual election, only one can be selected by a party. I believe that every riding in this province has an electoral contest of at least three parties, and many have far more—the Family Coalition

Party, the Green Party—you can have seven or eight or nine nomination contestants contesting an election, but only one will be elected. So, contrary to the member's assertion, most will not become members of the assembly. Very few will. Once they do become members, then we should certainly have the safeguards in place so that their conduct is indeed open and transparent.

When I sought the nomination for the Progressive Conservative Party in Lanark-Frontenac-Lennox and Addington, I went around, like most other people, and sold memberships. We all do that: Collect \$10 from people for membership and ask them to come out on voting day and support me, in that case, or whoever your preferred candidate might be.

Most nomination contestants are like this. We'll have other jobs. They will have full-time jobs. They will be soliciting these \$10 memberships on the weekends and in the evenings after work. To make them go through an auditing process as well, to make them go through the same disclosure process as Minister Sousa and Minister Chiarelli when they entertain their \$10,000 cash-for-access events, is foolhardy. It's ridiculous. We're going to put the same level of reporting on the individual who is running for the Libertarian Party in Glengarry-Prescott-Russell or the Family Coalition Party? How many times do we get to see those people actually influence public policy and engage in cash-for-access stakeholder relation cozy-cozy stuff? It doesn't happen.

I believe that the government's position on including nomination contestants in Bill 201 was a means to deflect and divert attention from the actions and activities of their own ministers and to try to demonstrate to the public that the Liberals really mean business on this one and they're going to go after the lowly nomination contestant for the wild trillium party someplace in Timmins and divert the public's attention away from the actions of their ministers.

John Gerretsen, the former Attorney General, when he spoke in Kingston, said that it's time to get the big money out of politics. I don't think he was referring to the \$10 memberships of a nomination contestant; I really don't. John Gerretsen served this House well and served the people of Kingston and the Islands well. He spoke passionately at our hearings in Kingston. He did bring up a number of subjects that he thought were inappropriate that the Liberal Party engage in—and other parties, maybe—with cash. But it was all to do with getting the big money out of politics.

Instead of going after the big money in politics, here we see the Liberals with a laser-like focus after the \$10 nominations. It's absolutely terrible and disingenuous, Chair. To suggest otherwise—like I said as I started off, if you're going to predicate your argument on a false assumption that many nomination contestants will be here, I can understand what troubles this committee is in, and I can understand the troubles that this province is in when you start off on a false premise, not even understanding the electoral process that one has been elected to.

The Chair (Mr. Grant Crack): Further discussion?

Mr. Randy Hillier: A 20-minute recess.

The Chair (Mr. Grant Crack): A request for a 20-minute recess is in order, at which time, when we reconvene, I shall immediately call for the vote.

Mr. Randy Hillier: A recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote, and I expect to hear that shortly after we reconvene. We are recessing effective immediately.

The committee recessed from 1112 to 1132.

The Chair (Mr. Grant Crack): Back to order, after our recess prior to the vote. We are dealing with PC motion number 4. There will be no further discussion. I shall call for the vote.

Mr. Steve Clark: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote. That shall be entertained.

Ayes

Clark, Hillier.

Nays

Fife, Hoggarth, Malhi, Mangat, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): I declare PC motion number 4 defeated.

We shall move to PC motion number 5, which is an amendment to subsection 1(1): subsection 1(1), clause (b) of the Election Finances Act, definition of “contribution.” Mr. Clark.

Mr. Steve Clark: I move that clause (b) of the definition of “contribution” in subsection 1(1) of the Election Finances Act, as set out in subsection 1(1) of the bill, be struck out and the following substituted:

“(b) any service actually performed for any political party, constituency association, nomination contestant, candidate or leadership contestant by an individual voluntarily, so long as such individual does not receive compensation for the service and does not carry on a business where the individual ordinarily receives compensation for providing the service, and”

The Chair (Mr. Grant Crack): Further discussion? Mr. Clark.

Mr. Steve Clark: Over the summer, we heard from many, many deputants before our committee. Many of us questioned those deputants about this issue of the definition of a contribution, the issue of services being provided to campaign offices and the issue of volunteering. Over and over, we heard from deputants about whether we should recognize corporate and union donations of people volunteering as a contribution or ban it outright.

When you look at the section that the legislative library and research services have provided, you’ll see on page 2 that just the recommendation to amend the section by removing the exemption of paid volunteers and require campaigns to count this as a contribution had many,

many deputants. I refer members to the fact that this was an issue that the Chief Electoral Officer brought up, and a former member of the Legislature from the city of Ottawa, Alex Cullen, who came forward when we were in Ottawa on June 28. There were very specific comments to the committee regarding this particular section.

We also heard from the Congress of Union Retirees of Canada, the Hamilton-Burlington-Oakville chapter. They mentioned this in their deputation on July 26. We also heard from Democracy Watch. As most members know, they made both oral and written submissions to the committee. As well, Mr. Giorno, who appeared at our Toronto hearing very early on, made a very detailed deputation and was asked a number of questions regarding that.

Some of our partners from other parties: Mr. Schreiner—I read with interest his letter that he released this morning; I got a copy of it. He’s expressing some serious concerns about this committee. I think he used the term “half measures” in his release. It was actually a release and an open letter to the Premier expressing his disappointment about the recommendations that are in Bill 201 in its present format. Mr. Schreiner, as most members know, came forward on June 7. As well, we received many, many emails. I was surprised at the amount of emails that we received from Green Party members, some from my riding and a number from eastern Ontario. Again, this was an issue that they put forward as well.

Who else? We’ve got the Hamilton Mountain provincial PC riding association. I know they reached out to my office early on in our committee’s deliberations. I encouraged them to provide a written submission letting them know what happened in their particular riding. They were extremely passionate, so I was glad that they took my advice and sent the Clerk their comments about this issue of voluntary contributions.

Mr. Louis Kan: I found his presentation was extremely insightful as someone who not only had a passion for this process, but the fact that he also had worked for the Chief Electoral Officer; I thought it was interesting that he brought that forward.

Mr. Kingsley: It was fascinating to hear some of the things that are in the federal legislation that the government has ignored in some of the recommendations, but also the issue—and I did ask him a number of questions about the fact that with federal ministers, although not codified, there is a code of conduct regarding their dealing with lobbyists. I think the comments that he made on that particular section that day, outside of his comments on voluntary contributions, were extremely insightful. I hope that the government, again, doesn’t dismiss some of his comments as they’ve dismissed every opposition recommendation this morning.

We did hear from a number of individuals. I know that Sara Labelle mentioned it in her presentation. Emile-Anne Ladubec also mentioned it in her presentation.

We had a tremendous group from the labour movement talk about this as well. Some who might talk in a partisan tone might feel that because this was presented as corporate and union donations, perhaps some in the

corporate world or some who deal with a number of trade unions would oppose this. But in fact, the London and District Labour Council, when they came and presented, embraced it as well, as did OPSEU. OPSEU came, and I always find Mr. Smokey Thomas's presentations very direct and no-nonsense. I think those of us, Mr. Hillier and I, who live in eastern Ontario appreciate the fact that someone would come and give us their straight feeling on an issue. Certainly in terms of the labour councils and both OPSEU—and also OPSEU 109 from Fanshawe College supported what Mr. Thomas had said regarding this issue of dealing with paid volunteers and dealing with them as contributions.

1140

I also want to give cause to recognize the None of the Above Party. I know that we talked about one of their recommendations this morning on being able to refuse a ballot. Again, I know it's not related to my motion, but I do want to express again my disappointment that the government opted to not include that in this bill at first reading. I think that it's a big mistake. The feedback I received after the last election was that people wanted that to be an option. This is really our only vehicle to be able to do that. Again, he brought forward some very good recommendations.

One of the last people that talked about it was Nelson Wiseman. I didn't really know Mr. Wiseman before I was elected as a MPP. I may have seen him on television a couple of times. Especially this term, I've not just heard him at committee but I've also reached out to him on a couple of items. I find his perspective very refreshing. I don't always agree with his perspective, but I do find that he's called upon for a number of comments. I did appreciate his views.

Again, we took this issue very seriously at committee. We are pleased that so many have come forward this summer to express the same view. Here's what I hope: I hope that the government acknowledges that the PC amendment was done with careful reflection, was done with knowledge of our presenters and that we can move forward on that amendment in a different way than perhaps the government has done on everything else the opposition has said this morning.

We've got an opportunity here with this bill. I have to tell you that I'm increasingly frustrated, Chair, with the way the government has operated this morning on some very small measures, right from the first motion we brought forward on the permanent identification number. That's something that all parties—it's such a small thing.

Now we're starting to deal with some of the bigger issues that we heard time and time again this summer. If our words are getting a little sharper, it's because we invested the time. All members invested the time on this committee. We expect that there's going to be some recognition that, when someone comes over and over and over again and talks about a particular issue, we're going to be able to deal with it and we're going to be able to put this motion forward.

I want to reserve the right to continue to finish my presentation, but I want to hear from the government on

where they are at with this particular motion. To say that I'm frustrated with the way the government has handled themselves this morning is an understatement. I'm going to pause because I'd like to hear the editorial comment from the government. But I do want to reserve the right to continue to make a presentation or to allow my colleagues, Ms. Fife and Mr. Hillier, to provide some comments as well.

The Chair (Mr. Grant Crack): Further discussion? Ms. Hoggarth.

Ms. Ann Hoggarth: First of all, we would like to make sure that we recognize the hard work of all the deputants who have come forward and given their thoughts and their ideas to this committee.

I will be recommending voting against this motion, not because we don't agree with the intent. Although we agree that we need to close the gap that would allow paid labour not to be considered a contribution, the government has introduced a motion—motion number 6, which is the next one—that matches the intent of this motion. Government motion number 13 also adds a definition of voluntary labour, adding further clarity to the motion.

We all agree that we should not allow paid labour not to be considered a contribution. So I will be recommending that we vote against this.

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: The NDP will be supporting this motion based on what we heard across the province over the entire summer. Essentially, what this amendment does—the definition of contribution will include services provided by self-employed or owners, not just union members and employees. If you read through the amendment, it's very specific. It says "any service actually performed for any political party, constituency association, nomination contestant"—this is another layer of accountability. It's actually a fundamental issue of fairness.

For the government to say that they have a motion up next that mirrors the same intent—quite honestly, after they voted against including research, polling and travel in a previous motion, it's the most contradictory thing we've heard yet today, and it's still early.

But the rationale that's coming from the government side on the opposition members' motions does not meet the test of accuracy or reasonability. We started this process in good faith, and to date, based on this morning's activities and the way that the government is voting, every time that we've tried to strengthen Bill 201, the government has shot us down.

The NDP supports this motion, based on the delegations that we heard throughout the summer.

The Chair (Mr. Grant Crack): Mr. Hillier.

Mr. Randy Hillier: Thank you to my colleague for giving that presentation on this important motion.

I'm going to start by once again stating the obvious contradictions in the government arguments that we've heard on each amendment advanced so far by both opposition parties. Ms. Hoggarth says that the government motion will close the gaps of these paid volunteers. I

would ask the committee members just to take motion 5 and motion 6 and lay them side by side. The Conservative motion is very clear. I'll read it out:

"(b) any service actually performed for any political party, constituency association, nomination contestant, candidate or leadership contestant by an individual voluntarily, so long as such individual does not receive compensation for the service and does not carry on a business where the individual ordinarily receives compensation for providing the service, and"

It's nice and clear. It's simple. It captures everything. Then you look at the Liberal motion. Instead of closing the gap, opening the door would be more appropriate. It's putting forth specific examples where it can or can't be, and exemptions from it. It's not closing the gap; it's broadening the gap and opening the door.

Listen, as my colleague and Ms. Fife from the third party said, we've heard a host of people talking about paid volunteers. The initial Bill 201 provided for permitting paid volunteers—now, isn't that an oxymoron, if there ever was one, "paid volunteers"?—as long as they were not paid more than what their general daily rate was. We all saw the absolute lunacy of having a clause in a bill that would permit paid volunteers. Volunteers do not get paid. That's the definition of a volunteer.

Mr. Steve Clark: That's my definition.

Mr. Randy Hillier: Right. So now they're saying we can still have paid volunteers, but only under a whole bunch of different scenarios. Otherwise, we're going to get rid of them in the government motion.

Listen, let's be truthful. Let's be sincere. Let's be honest with ourselves. If we want to get rid of this oxymoron, this distortion of paid volunteers, the PC motion does it quite adequately, quite clearly and without reservation, and it does it in a matter that anybody can understand without having to go back through reams of other legislation to see what the exemptions or the permissions are.

1150

Jean-Pierre Kingsley said to me that with election finance legislation, you have to be cognizant of this very fact. If you leave a crack in election financing legislation, all parties will end up driving a Brink's truck through it without getting a scratch on the truck. This is what we're seeing here with the Liberal members leaving big gaps.

Of course, with this PC motion number 5, hopefully people can now see why PC motion number 1 was permitted. A permanent voter ID number helps to facilitate, helps to identify and helps to disclose. It creates transparency. The Liberal members voted down the permanent voter ID amendment. Why? It wasn't within the intent of the bill, we were told.

It would add significant disclosure. It would add significant openness. It would add accountability to the bill. That's, truthfully, why it was turned down.

Over the lunch hour that is approaching soon what I would like to see, Chair, is the Liberal members of this committee, instead of going through this facade, to just bring us over your voting sheets. Show us the direction

you've been given, and be done with this. Clearly the arguments that are advanced, the presentations that were delivered, fall on deaf ears of the Liberal members. Why don't we just see what the voting sheet is and let's just put it on display so everybody knows what the direction is to the Liberal members on this committee, and stop the facade of having a non-partisan collaborative process?

I said it in my earlier discussions. The Chief Electoral Officer—along with many others—said that this bill provides incremental change when we need wholesale change. Nowhere in his recommendations have I seen a statement that says, "But the Liberals should create lots of cracks, lots of gaps and lots of back doors to do what otherwise would not be permitted." But that's what we're seeing happening. I'm sure we're going to see that happen through all the—with both opposition parties, all our amendments—wherever we go to seal up a crack, wherever we go to close a back door, these guys are creating a side door. They're opening up another gap.

Motion 5 is very clear. It makes no exceptions. You would be deemed a volunteer if you truly are a volunteer, but not otherwise. We do not allow for or permit, in the PC motion, the idea of paid volunteers; the government motion most certainly does. It limits it from where it is today. It limits it a little bit from where it is in the proposed Bill 201, but still permits it to happen.

Just as we saw with the third party's motion on including polling and travel expenses to count towards election expenses—we saw that turned down. They want to be able to hide a bunch of money beyond the view and beyond the sight of the public. Here, they're doing the same thing with paid volunteers: make it appear that they are doing something, but in fact allowing it to continue on, just in a slightly altered fashion.

Mr. Clark mentioned Louis Kan. He gave a powerful presentation on this as well. I would encourage members of the Liberal Party to go back and look at Louis Kan's statements. Here's somebody who has worked for the Auditor General, who has worked for Elections Ontario, who is a certified fraud examiner—and, heaven forbid, if there was anybody we needed in this committee to give us a deputation, it was a certified fraud examiner, and he did a bang-up job. I didn't even know we had certified fraud examiners in this province. I'm sure there's no shortage of work these days for certified fraud examiners in this province. I don't know how he managed to get some time to come to this committee.

However, let's put it on the record: Let's see if the Liberals are going to continue to frustrate not just Mr. Clark and myself but actually continue to frustrate the process that the Premier has hashed out for the public with this Bill 201. That's really what is happening here: The Liberal Party is frustrating the very process that they created to give confidence to people that this cash-for-access and this skulduggery that goes on is not going to be permitted any further in this province. However, as we've seen from the first five—and I'll just say that the first two Liberal amendments that were offered needed to be moved by a minister of the crown. We granted that

unanimous consent for the minister to come here and appear before committee and table those motions. We didn't reject those amendments, and indeed were supportive of one of those. That is a collaborative, non-partisan approach: agree to unanimous consents when they are reasonable, agree to hear out—listen, we didn't have an amendment on those, but the governing party did, and we accepted them. I would like to see the same consideration by the Liberal members of this committee, the same consideration offered to the opposition parties as we've shown to the Liberal members.

Thank you, Chair.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Hillier.

It is very, very close to the lunch hour. I know that there is going to be some further discussion on this particular motion, so, with the committee's approval, we can recess for lunch. We will return, and I believe Ms. Hoggarth has some comments. Then we'll follow up with Mr. Clark.

I hope you have a lovely lunch. We will see you here at 1 o'clock.

The committee recessed from 1158 to 1301.

The Chair (Mr. Grant Crack): Back to order. I hope everyone had a good lunch. We are dealing with PC motion number 5. Prior to the lunch break, Ms. Hoggarth was going to take the floor.

Ms. Ann Hoggarth: Thank you, Chair. As we discussed before the break, the proposed government motions 6 and 13 will close the gap that would allow paid labour not to be considered as a contribution, and it also provides additional clarity around what constitutes voluntary labour.

While we thank the PCs for their support in banning paid labour being sent to work on all campaigns, we ask for their support on motions 6 and 13, as we believe they provide more clarity.

The Chair (Mr. Grant Crack): Further discussion? Mr. Clark.

Mr. Steve Clark: Yes, Chair, thank you very much. I appreciate the comments made by Ms. Hoggarth. I might have a couple of questions to ask her, to clarify the position. I understand that that might cause her to want to consult with their staff representative.

But before I do, though, I just want to take people back to a document that was filed with the committee on August 9, to the Clerk from the Chief Electoral Officer. One of the three questions that we asked him to follow up that day was specifically on what Elections Ontario's understanding is of subsection 1(1) of the current and proposed statute regarding voluntary paid labour as not constituting a contribution for purposes under the act.

I'd like to read his answer, because I want to then refer back to my motion and then place a couple of questions forward to Ms. Hoggarth.

The Chief Electoral Officer, on August 9, responded to that question to say, "Currently any employer, or any person, trade union or corporation in conjunction with that employer, may ask an employee to volunteer to work

on a campaign while receiving their regular employment compensation. That compensation is exempted in the current subsection 1(1) of the Election Finances Act from being treated as a contribution despite the fact that it is, in essence, paid labour. However, where the employee is paid an amount in excess of their normal compensation, the difference between the excess amount and the normal compensation is considered a contribution. Bill 201 does not place any restriction on this activity."

When you look at our motion number 5, when we talk about defining a contribution under subsection 1(1), we've tried, as a party, to reflect the response that we received on the 9th from the Chief Electoral Officer.

Again, I know I read it as a motion, but I want to read it again, because it says "any service actually performed for any political party, constituency association, nomination contestant, candidate or leadership contestant by an individual voluntarily, so long as such individual does not receive compensation for the service and does not carry on a business where the individual ordinarily receives compensation for providing the service".

So when I look at—and I appreciate the fact that Ms. Hoggarth referred me to both 6 and 13—I have to admit—Mr. Hillier earlier today suggested that we place 5 and 6 together, and I did. I didn't see that same clarity in the government motion number 6 that I see in my motion, but I do appreciate the fact that they've tried in motion 13.

She may not be able to answer specifically. She might have to refer to your staff resource, and I'm fine with that. I'm fine if you guys want to take a minute. But I really would like to drill down, because this is very important. We've had a morning where every opposition amendment was defeated by the government. I'd really like some clarity on why their wording is more effective. I'm trying to reflect exactly what Mr. Essensa put forward, and I think motion number 5 does that.

I'd like the government members to put a little meat on the bones. We've had a fairly collaborative process over the summer, save and except this morning, and I'm looking for some opinion from the government. So I'll concede the floor to the government, knowing that they might have to consult their people.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: It didn't look like we were getting anything forthcoming there, from the government side.

Interjections.

Mr. Randy Hillier: Oh. Well, let me just add to my colleague's comments. We've just heard from the Liberal side that we have to look at the two amendments, 6 and 13, to accomplish something similar to what PC amendment 5 does.

However, I do want everybody here to read amendment 13, because it creates another exemption for paid volunteers. It doesn't close the gap any further; it creates another exemption. Let me just read government motion 13:

"(5.1) Subsection 1(1) of the act is amended by adding the following definition:

““voluntary labour” means any service provided free of charge by a person outside their working hours, but does not include such a service provided by a person who is self-employed if the service is one that is normally charged for by that person;”

So it's not closing the gaps anymore. It's creating another permissible exemption, okay? With all the discussion, with all the words that we've heard, the Liberals have managed to come up with two amendments worded in such a way that it doesn't accomplish what they say they want to accomplish, where the PC amendment is very clear: If you're paid to provide a service, then you're not a volunteer, and if you're paid to provide a service, then it counts as a contribution—simple.

I'm sure everybody around this table can understand that volunteers are wanted and needed in campaigns. We want to encourage and facilitate people to come forward and help on campaigns. But if there is an exchange of money, if there is payment for those services, then it's a contribution.

I'm just going to go back. All government motion 13 does is create another exemption. It doesn't seal anything off; it doesn't close the gaps. I see that Ms. Hoggarth wanted to interject previously. I'll look forward to hearing her comments as to why motions 6 and 13 are more effective than PC motion number 5, when their motions create exemptions and ours does not.

The Chair (Mr. Grant Crack): Ms. Hoggarth.

1310

Ms. Ann Hoggarth: Motion number 13 very clearly does not catch a person who really is volunteering. It catches the person that, for instance—and I'm not picking on anyone in particular, but say I were an accountant and I volunteered during the day, but that is my regular, paid job. That should be looked at as a contribution to the campaign, because that is what that person is usually paid to do. That's the difference in the two.

I think 13 and 6 very clearly make it evident as to whose labour has to be considered as a contribution. We're not after the volunteers who are true volunteers: It's their day off and they're coming to help with the campaign. Every campaign needs people like that, and that's what we want.

But also, there are problems in that some of the volunteers, for instance, when unions provide—what happens is, say someone works at a hospital, and CUPE or OPSEU pays the hospital so that that person can go and volunteer for a campaign. They're being paid for their regular work, but the union is paying the institution that they work for. When someone owns a business and they allow—for instance, they own a bar and the people at the bar don't work until 7 o'clock at night, but the bar owner pays them through his payroll to go and, say, put up signs or go door to door, pays them during the day. There's no way to catch that. These kinds of things have to be—we have to find and block the loopholes.

The Chair (Mr. Grant Crack): Ms. Fife.

Ms. Catherine Fife: I think Ms. Hoggarth just made the case for supporting this motion. The goal is to close

the loopholes, to make the bill stronger. Your rationale that you just articulated—if you believe that, then you should support this PC motion, as we are, because we believe that all the loopholes should be closed as well.

The Chair (Mr. Grant Crack): Further discussion? Mr. Clark.

Mr. Steve Clark: Again, I still have trouble understanding, especially now, after Ms. Hoggarth has provided some explanation, why—I believe motion number 5 is very clear.

In fact, earlier I quoted the Chief Electoral Officer in his response to our questions on the matter. Although it was the only day that I missed in terms of the committee, the August 11 date—I was unable to come to sit, and I appreciate Mr. Walker's assistance in subbing me out that day—I have read the Chief Electoral Officer's comments in regard to this matter, and I want to quote him and again put his comments on the record, because I think when you listen to these words and then go back and look at my motion, you'll see that, again, we've tried as a party to put a very thoughtful and very thorough motion forward to deal with this matter.

Here's what Mr. Essensa said in his presentation on the 11th.

New contribution rules: “Turning now to my recommendations on other aspects of our contribution and spending rules, I should note that my thinking on these topics has taken into account the many submissions that others have made to you. I believe the definition of contribution needs to be fair and make common sense. Employers who are paying employees to work for a candidate instead of in their workplace are materially contributing to a campaign. Common sense says that these contributions should be subject to the same limits as other contributions. Currently, it is only considered a contribution if employees are paid a bonus amount on top of their salary by either their employer, their union or someone else, and only the bonus amount is considered to be a contribution. That does not make sense to me.”

His final comments: “I do not know the value of the services that have been provided to parties over the years as a result of this definitional loophole. Because the services have not had to be valued and reported to Elections Ontario, there is ... no transparency. I think this needs to end, and I'm recommending that this loophole be closed.”

Section 5 will close that loophole. We had a number of deputants come forward—19 of them—and comment on this. I read the majority of their names into the record this morning. Again, I'm asking the government to rethink their position on this. I know that my colleague probably wants to weigh in as well. Again, I've read the two sections from the government. I tend to agree with Mr. Hillier that it creates an unwanted consequence. Based on the speech by Ms. Hoggarth, I think she has made an even stronger case to support our motion on this matter.

This is an important section. It speaks to a significant recommendation that many, many deputants felt was important. I think we should recognize those comments.

The Chair (Mr. Grant Crack): Further discussion? Yes, Mr. Hillier.

Mr. Randy Hillier: The language in legislation is indeed important. It's nothing to be taken in a trivial or frivolous view. The language in the legislation is what will be administered and be implemented. It should be understood that our Chief Electoral Officer—looking at the Election Act, he is not provided latitude. He or she must actually enforce and ensure compliance with the law as it's written. The more loopholes that are in it, the less ability the Chief Electoral Officer has to ensure compliance.

Ms. Hoggarth mentioned the accountant. We've already seen what happened with the third party's motion on expenditures where those are not going to be captured: polling and research and travel. Now, under government motions 6 and 13, if somebody is a pollster and he's providing polling to the campaign, under Ms. Hoggarth and under the Liberal plan, that's okay. If a limo driver or a pilot, whoever it may be—all those things are going to be, "Who cares?" under the Liberal view. We can still sneak them in and have them provide services to their campaigns and not be counted as a contribution under the Liberal motions and also not be counted as an expense under the Liberal motions.

I think it's important, again, to go back and understand the Chief Electoral Officer's final summation. He started on page 4:

"What Ontarians are expecting from this committee: I do not intend today to retell the history of the Election Finances Act. History is behind us. This committee is now at the stepping-off point into the future." The stepping-off point into the future, not to the past. We understand that we have an obligation to the people of Ontario to step into the future and actually modernize our election financing laws and to close up these loopholes that have been so egregiously abused in the last number of years. And the Chief Electoral Officer is exhorting us to do exactly this. He says, "That does not mean, however, that we can forget the lessons of the past." This is not an ivory tower question. It's a very real question, and the electorate wants their legislators to find a practical answer to it.

1320

We've just offered up a practical amendment, one that is clear, easily understood, easily enforced, and easy to find compliance on. Of course, it would be easier if we also had the permanent voter ID number and a few other things that have already been rejected by the Liberals.

Ms. Hoggarth tried to explain the rationale and then, in so doing, gave further cause and justification to support the PC amendment in her rebuttal. I think I'm at the point here that I'm going to say maybe we ought to actually have the people who are giving these responses, the people who have read the legislation from the Liberal Party, down here in the committee to provide some thoughtful interchange and exchange of ideas on this, because we're certainly not getting it at the moment. You cannot argue that it's a sunny day out so it must be

nighttime. That's what we seem to be getting from the Liberals here.

We have two motions, both providing for exemptions and both suggesting that they do what the PC amendment does, which they don't. Am I missing something here? You're providing exemptions; you're providing openings. That's not the same as closing them up, right? This is not that difficult a concept to understand. Closing loopholes cannot be accomplished by creating exemptions. It can't be done. If there's somebody in the Liberal Party who can explain how you can close up loopholes by creating exemptions, I want to hear it. I'd like to hear it really clearly: "By creating exemptions, you're closing loopholes." Certainly somebody who is providing the direction to the committee members will be able to articulate that for us. Otherwise, vote for amendment 5 and then we'll reconsider the Liberal amendments 6 and 13 at second reading.

How about that? How about we do that? Because clearly, from what we've heard, it's unintelligible.

The Chair (Mr. Grant Crack): Further discussion? No further discussion? I shall call for the vote.

Mr. Steve Clark: Are they going to address—

The Chair (Mr. Grant Crack): All I can do, sir, is ask if there's further discussion. If there's no—

Mr. Steve Clark: No, we want to have a respectful conversation, and Mr. Hillier has brought forward a suggestion. I am very uncomfortable having a vote if we don't get an answer. I think it cuts to the core. Here we are: We've got a stack full of amendments. We've already had a number of amendments voted down by the government that they could have easily supported.

If they were that against a permanent identification number or if they were that against allowing an elector to decline their vote in secrecy, then they could have taken it out at second reading after we had our normal second reading debate in the House and the bill gets referred back here. I think this really cuts to the core for the balance of our discussion. After all that we've been through this summer, if we can't pause to actually get an answer to some of these questions, then I am not very optimistic.

The Chair (Mr. Grant Crack): Further discussion?

Mr. Randy Hillier: Listen, there are parts of this bill that are simple, such as paid volunteers and permanent voter ID numbers. These are simple concepts. They're not radical; they're not contentious; they're not convoluted or complex. And this is what we're seeing.

What is going to happen when we get into the complexities of this bill; when we get into the defining of what the difference is between issues advocacy as compared to political advertising and partisan advertising; when we get into the Members' Integrity Act; or when we get into the code of conduct and the Lobbyists Registration Act? There we have some complex pieces of legislation. We have a significant amount of legislation which requires very diligent, thoughtful examination. What's going to happen then? If this is the response that we're getting with the simple stuff—if understanding the

oxymoron of “paid volunteers” is a difficulty—what is actually going to happen when we get into the real, substantive elements of this bill? Heaven forbid.

Surely we must expect greater than what we’ve seen demonstrated so far today, and that when we’re talking and examining the bill, we’re actually using arguments that are factual, and that we’re actually attempting to achieve a bill that will modernize our election finances and will prevent these egregious abuses from happening further.

Listen, there’s another amendment in here that I think is important to—

The Chair (Mr. Grant Crack): Okay, Mr. Hillier, I’m just going to stop you. You had mentioned the substance of the bill. There’s a substance to the actual motion. Let’s come back to that. Otherwise, I’m going to be moving on to Ms. Fife.

Mr. Randy Hillier: Okay. Well, here’s the piece that I want to say: Slight alterations in the language of an amendment have powerful impacts. Later on in the package, we’ll see that the official opposition has an amendment on group contributions that eliminate the concept of group contributions, just as the Chief Electoral Officer and so many others have suggested. But the Liberal motion dealing with contributions just refers it back to the existing legislation.

These are important things. Let’s not leave these side doors, these back doors, these trap doors open for further abuse by members of the Liberal government today or any other government down the road.

The Chair (Mr. Grant Crack): Thank you, Ms. Fife.

Ms. Catherine Fife: In the interests of trying to salvage what has happened here already today, because we’re only on amendment 5 and we’ve been here for going on five hours, I wondered—the PC members have made a proposal to the government that said that if the government supported motion number 5, which is very straightforward around what constitutes a paid volunteer—a volunteer who is not paid, ideally—for support for motions 6 and 13—is there any intention, or is there any willingness on the government side, to take a recess and consider this? Because if this is not in play at all—if the goal is to close the loopholes, then we can work together on all of these motions, the two government motions and then the PC motion. We’re more than willing to try to make this work.

1330

I guess my question to the government side of the House is if there’s any willingness to take a recess, to go back and caucus on this, to see if that’s even a possibility.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier? PC motion 5.

Mr. Randy Hillier: There have now been two requests for the Liberal members to consider alternatives, and we’ve been met by a cone of silence. There has not been a response to those two requests.

Am I missing something here, Chair? When somebody requests a response in the very collaborative way that the third party just did, can we not at least expect a response?

This is not how things are supposed to be done. A request is made; a response is offered.

Surely this is not an unreasonable request by the third party. I don’t think my request was unreasonable: that we adopt amendment 5 and that the Liberals come back at second reading with 6 and 13, if they can actually demonstrate that it closes up the loopholes—if they can—or if they can find some language. I’ll certainly be open to ideas. If there are any Liberal members who want to offer up any additional wording in PC amendment 5 where they find it diminishing or lacking, I’ll be glad to entertain those considerations.

The Chair (Mr. Grant Crack): Further discussion? There being none, I’m going to be calling for the—

Mr. Steve Clark: No, no. Chair, can I just make—

The Chair (Mr. Grant Crack): I’m going to allow one more comment, and then I’m going to call for the vote. I think we’re just going in circles here.

Mr. Steve Clark: I’m trying to be respectful, and I think I’ve been very reasonable during this committee. For us to go down this road on a motion to amend Bill 201 to strengthen the bill and recognize what many participants, including our Chief Electoral Officer, have recommended really sets the stage as we move forward.

Earlier this morning, we argued that at first reading, we can enter things that are outside of the scope of this bill that we’re not allowed to do once the bill comes back. We were very mindful of that. We inquired to ensure we had that information correctly, that we structured our amendments in a way that upheld the standing orders of this institution.

But then when it comes to recommendations that are brought forward, I still, for the life of me, without the silence of all these government members, can’t formulate why number 5 is any different than those 19 members who made deputations.

The reason that I asked Mr. Hillier to move this amendment was because I sat here throughout this whole summer and listened to these people recommend that we make these changes. I sat very close to the Chief Electoral Officer and read and re-read today some of his comments. I’m just disgusted that the government is treating these amendments the way that they are.

I’ve been here for six and a half years, and I’ve been dying to have a bill go out at first reading. I’ve been dying to have committees do what they used to do many, many years ago, where they would actually study a bill, where they would actually make thoughtful recommendations and you would have a collaborative discussion. I just find that this has disintegrated into the same old same old partisan majority politics that this government has been very skilled at doing.

So I would ask—I’m not sure if there’s anybody else to speak, but I would ask that we do have a 20-minute recess before we have the vote. But I see Mr. Rinaldi has his hand up, so I would ask that you allow him to address the bill before we have the recess.

The Chair (Mr. Grant Crack): Before Mr. Rinaldi comments, I’m just going to remind all the members of

the committee that we are dealing with a specific amendment, which is PC motion number 5, and that comments need to pertain to the substance of that particular motion. We seem to want to continue to go back to motions that have already been dealt with, and I'm going to call that out of order in the future. We're going to continue to move forward; we have to conduct business as well.

Mr. Rinaldi, final comments, and then I'm going to perhaps allow for one rebuttal and then we'll move forward. Mr. Rinaldi?

Mr. Lou Rinaldi: Thank you, Chair. I will ask that—
Interjection.

Mr. Lou Rinaldi: Oh, okay. Nobody wants to listen to me.

Chair, I would ask for a 20-minute recess before we vote.

The Chair (Mr. Grant Crack): Last comment: Mr. Hillier.

Mr. Randy Hillier: Just strictly on this motion, what we've heard here today on motion 5, I am of the view that this is just a mockery and a facade, the responses that we've heard, and an absolute distortion of the purpose of this committee. Really, it is a bit of a mockery.

The Chair (Mr. Grant Crack): Thank you, Mr. Hillier. I am going to call for the vote now—

Mr. Randy Hillier: What about a recess?

The Chair (Mr. Grant Crack): Can you ask now? I'm going to be calling for the vote.

Mr. Lou Rinaldi: Chair?

The Chair (Mr. Grant Crack): Yes, Mr. Rinaldi.

Mr. Lou Rinaldi: I would ask for a 20-minute recess, please.

The Chair (Mr. Grant Crack): That is in order, so we shall recess for 20 minutes, effective immediately.

The committee recessed from 1337 to 1357.

The Chair (Mr. Grant Crack): Good afternoon, everyone. Back to order. We are dealing with PC motion number 5. There was a request for a 20-minute recess. We've gone through that experience, and now we have a request for a recorded vote. I shall call the vote.

Ayes

Clark, Fife, Hillier.

Nays

Hoggarth, Malhi, Mangat, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): I declare PC motion number 5 defeated.

We shall move to government motion number 6, which is an amendment to subsection 1(1): subsection 1(1) of the Election Finances Act, definition of “contribution.”

From the government: Mr. Rinaldi.

Mr. Lou Rinaldi: I move that the definition of “contribution” in subsection 1(1) of the Election Finances

Act, as set out in subsection 1(1) of the bill, be struck out and the following substituted:

“contribution” does not include,

“(a) any goods produced, or services performed, for any political party, constituency association, nomination contestant, candidate or leadership contestant by voluntary labour, and

“(b) any money, goods or services solicited by or donated to a political party, constituency association, nomination contestant, candidate or leadership contestant for purposes other than the purposes set forth in subsections 10(1), 11(1), 12.1(1), 13(2) and 14(1), respectively; (‘contribution’)”

The Chair (Mr. Grant Crack): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, in light of Ms. Fife wanting to move things along, I would read a statement from Mr. Naqvi to try to address that.

“Throughout this process, our goal has been to change the way politics is done in Ontario.

“That's why the Ontario Liberal Party stopped hosting small-scale fundraisers where ministers interacted solely with stakeholders of their portfolio.

“That's why we brought forward a bill that banned corporate and union donations entirely.

“And that's why we took the unusual step of sending that bill to committee after first reading.

“Over the summer we heard from the opposition parties, experts and the general public on how we could improve the bill.

“As a result we brought forward comprehensive amendments that included lowering contribution limits even further, creating a clear definition of third-party advertising, and strengthening limits for government advertising before an election.

“To address the issue of fundraising events, we proposed working with all political parties to develop a code of conduct that would set out fair, balanced rules for all elected officials, including opposition parties.

“In order to strengthen democracy and its institutions, we want to continue to show leadership by going another step further.”

Mr. Randy Hillier: Chair, point of order.

The Chair (Mr. Grant Crack): Mr. Rinaldi, a point of order. Mr. Hillier.

Mr. Randy Hillier: As we've been cautioned earlier today about speaking to the motion, it appears that Mr. Rinaldi wants to deliver a prepared address by the Attorney General that has no merit to the motion. I would rule that out of order.

The Chair (Mr. Grant Crack): Well, thank you for your advice—

Mr. Randy Hillier: Pardon me, I would consider—

The Chair (Mr. Grant Crack): Mr. Rinaldi, I am going to remind you that we are dealing with a specific motion. I'm hoping that your remarks—it would be a point of order, but I'm going to wait to see if your remarks reflect back to motion number 6, please.

Mr. Lou Rinaldi: Sure, Speaker. It's all about money in politics, so I think some of this—what I'm going to say—will reflect that. I just want to acknowledge that.

"When the House resumes in September we will be introducing an amendment to ban fundraising events for all MPPs" from all political sides. This amendment will clarify the issue about what the opposition has been alluding to—cash-for-access—and will put us all on an equal playing field, Chair. Up to now, we've only been talking about the party that's in government—and that's of any political stripe—but this will put everybody, like I said, on an equal playing field. We'll be introducing that motion as an amendment after second reading.

Back to my motion, Chair: As I indicated, I recommend voting for this motion. This will close the gap that will allow corporations and unions to make contributions to election campaigns by providing compensation for labour that would otherwise be provided on a voluntary basis.

The Chair (Mr. Grant Crack): Ms. Fife.

Ms. Catherine Fife: Chair, we've just had a government member read a statement from the Attorney General fundamentally changing the rules of this entire committee. Why are we here if the Attorney General is going to introduce a whole other layer of legislation mid-committee? How disrespectful to this process, to the people who have sat around this table, who have travelled to committee throughout the entire summer. He should have been ruled out of order right away. If Mr. Naqvi wants to come here and be part of this debate, then he could have travelled the entire summer with this committee. At least, speak to the nature of this amendment. The amendment that's on the floor is a government amendment. It has nothing to do with what Mr. Rinaldi was, unfortunately, asked to read into the record for the Attorney General. It's completely disrespectful. We've never heard of this idea. We don't even have the document in front of us.

This is just Liberal games. That's all that has been happening right here in this committee. It is all that's been happening for the entire day. You can understand our frustration because we came to this table in good faith, and now we have a new proposal from Mr. Naqvi midstream. Where does that leave the work of this committee? Why did we do this? Why did we go through this process if it was going to be sidelined at clause-by-clause?

The Chair (Mr. Grant Crack): Just for the first part of your comments, with regard to it being called out of order, I think I've been more than reasonable in allowing debate amongst all three parties. Mr. Hillier made a point of order which provides the mechanism for me to make a judgement, which I did, asking Mr. Rinaldi to come back towards government motion number 6, which he said he would. The statement is done; I can't change that. Is it reflective of motion 6? That's yet to be determined, I guess. At the end of the day, I appreciate your remarks.

Mr. Clark, please.

Mr. Steve Clark: Thanks, Chair. I was opposition House leader for a short period of time during our

leadership review. I dealt with the Attorney General in his capacity as government House leader. I thought he was different. I thought he wanted to make sure that there would be times when the opposition would be consulted. Quite frankly, I'm incensed. I'm absolutely incensed that we would go through this process which, to me, after today, after the last five hours and five minutes, has just been a sham.

For you to stand here and make that pronouncement after we spent all summer hearing deputants, and if Yasir Naqvi can't get off his can, pick the phone up and call us and let us know what's going on after, for example, Mr. Hillier, who, as critic, reached out to him—you people are a real piece of work. Not only did you continue to do cash-for-access even after you were caught; you've now put this whole process—it's just been a sham. You're going to do whatever you want to do. You don't care what the deputants say. You don't care what we say.

You know what? I thought Yasir Naqvi was a different breed of politician. I'm just so disappointed in this shenanigan that you just pulled. It's unbelievable.

You could have come back here and you could have made a statement about motion number 5. You could have given us assurance about motion number 5 that it would be brought back as an amendment from the government. Instead, you brought a garbage announcement that just, again, belittles all you people as members of this committee, and your government. Shame on you. Shame.

The Chair (Mr. Grant Crack): Mr. Clark, I can understand that the debate is getting a little heated here. Let's make sure that we refer to government motion number 6, taking into consideration what has been tabled with reference to government motion number 6. I would remind members: Let's conduct ourselves as the honourable members that we are.

Mr. Hillier.

Mr. Randy Hillier: Chair, part of our discussion on amendment 6 is Mr. Rinaldi's pronouncement that was just made. I want to remind this committee that we're under the instructions of the House to do clause-by-clause, not propaganda-by-propaganda. That stunt that was foisted upon this committee by Mr. Rinaldi on behalf of the Attorney General was despicable. It is shameful that you would come in here—the Attorney General had many opportunities this summer to come before this committee and make his determinations. But this is a democracy; it is not edict by the Attorney General as to what this bill is going to be. What we've seen here today is a total mockery of the process.

As the NDP said at the beginning of this process, where they didn't believe the Premier, we went for it and we said, "We're going to listen. We're going to be part of it. It's going to be non-partisan. It's going to be collaborative. We're going to do our part." Then what we see here today is an absolutely disgusting display by all Liberal members on this committee.

I'm not going to waste my time any further with this committee. It is of no benefit. It is of no value. It has

been preordained, what you're going to do, and it's a bunch of BS. You guys can do it yourself; you're not going to do it with us.

The Chair (Mr. Grant Crack): Further discussion?

Mr. Steve Clark: Have fun. Ram whatever you want in.

The Chair (Mr. Grant Crack): We still have quorum.

There being no further discussion on government motion number 6, I shall call for the vote. Those in favour of government motion number 6? Those opposed? I declare government motion number 6 carried.

How about we take a five-minute break so that I can determine how we can move forward with regard to the next motions, which are opposition motions, and consult with the Clerk?

A five-minute break.

The committee recessed from 1409 to 1414.

The Chair (Mr. Grant Crack): Okay, so the five-minute recess is up. We'll just provide information to members of the committee that although the next two amendments are from the official opposition, anyone can actually move them. It doesn't necessarily have to be someone from the party. So I will be making that request.

Madame Fife?

Ms. Catherine Fife: Chair, because I don't have a copy of the statement that was read earlier in front of me, I wondered if we could just have a 10-minute recess. I'd like to see it in hard copy.

The Chair (Mr. Grant Crack): Do we have consent?

Mr. Lou Rinaldi: Sure.

Ms. Ann Hoggarth: Sure.

Ms. Catherine Fife: Thank you.

The Chair (Mr. Grant Crack): Okay, so we'll take another 10 minutes in order to provide copies of Mr. Rinaldi's comments. Thank you.

The committee recessed from 1416 to 1426.

The Chair (Mr. Grant Crack): The 10 minutes is up. Has the copy been distributed? Okay, so there has been a copy—but the Clerk's office doesn't have a copy either.

Ms. Harinder Malhi: Here you go. You can have my copy.

The Chair (Mr. Grant Crack): Okay. Whenever there's a request, usually all members get a copy. Is there any other member who wishes to have a copy in front of them? Is everyone satisfied? Okay.

So we're back to clause-by-clause consideration. We are at PC motion number 7. Is there anyone who would be interested in reading PC motion number 7 into the record? Mr. Rinaldi.

Mr. Lou Rinaldi: Just bear with me here. Just for clarification, Chair—

The Chair (Mr. Grant Crack): Go ahead.

Mr. Lou Rinaldi: Should I read "I move," although it's not really me moving it?

The Chair (Mr. Grant Crack): It's acceptable, even though it's not a government motion or an NDP motion. If a member wants to read it in, they would actually move it in. So yes, it would be acceptable that "I move."

Mr. Lou Rinaldi: Sure, just a clarification. Thank you.

I move that the definition of "nomination contest period", as set out in subsection 1(2) of the bill, be struck out.

The Chair (Mr. Grant Crack): Further discussion on PC motion number 7? There being none, I shall call for the vote. Those in favour of PC motion number 7? Those opposed? I declare PC motion number 7 defeated.

We shall move to PC motion number 8. Is there anyone who would read that into the record? If not, that's acceptable as well. Ms. Hoggarth?

Ms. Ann Hoggarth: Subsection 1(3) of the bill—

The Chair (Mr. Grant Crack): "I move." Could you start with "I move"?

Ms. Ann Hoggarth: Oh, sorry. I move that the definition of "person" in subsection 1(1) of the Election Finances Act, as set out in subsection 1(3) of the bill, be amended by striking out "a nomination contestant".

The Chair (Mr. Grant Crack): Further discussion on PC motion number 8, which is an amendment to subsection 1(3) of the bill, subsection 1(1) of the Election Finances Act, definition of "person"? Further discussion? There being none, I shall call for the vote.

All those in favour of PC motion number 8? Those opposed? I declare PC motion number 8 lost.

We shall move to government motion number 9, which is an amendment to subsection 1(4), subsection 1(1) of the Election Finances Act, definition of "political advertising." Mr. Rinaldi?

Mr. Lou Rinaldi: Just bear with me here.

I move that the definition of "political advertising" in subsection 1(1) of the Election Finances Act, as set out in subsection 1(4) of the bill, be amended by striking out the portion before clause (a) and substituting the following:

"political advertising" means advertising in any broadcast, print, electronic or other medium with the purpose of promoting or opposing any registered party or its leader or the election of a registered candidate and includes advertising that takes a position on an issue that can reasonably be regarded as closely associated with a registered party or its leader or a registered candidate and 'political advertisement' has a corresponding meaning, but for greater certainty does not include,"

The Chair (Mr. Grant Crack): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Sure, Chair, thanks. I recommend voting for this motion. The intent of this amendment is to clarify the definition of political advertising. Only advertising for or against the party, candidate or leader, or advertising on issues that a reasonable person will view as closely associated with the party, candidate or leader, will be included.

This motion will ensure a third party can continue to produce an advertisement that truly addresses policy issues without worrying that it would be mistakenly identified as political advertising.

The Chair (Mr. Grant Crack): Further discussion? Madame Fife.

Ms. Catherine Fife: Thank you, Chair. New Democrats will not be supporting this amendment, nor should that be a surprise to anyone at this committee. We've been very consistent around the role that government advertising plays in elections and the leeway that governments have in that regard, and then we listened very carefully to those advocacy groups that came before us who expressed very legitimate concerns about being silenced.

This amendment for us is still too broad. If a party came out, for instance, with a plan to limit or change education funding or hospital funding, or autism funding, for example, these are issue-based advocacy issues which could be determined as political advertising by this definition. That was always our concern, that the partisan political advertising that targets leaders or parties would sort of trump those smaller issue-based advocacy groups who want to weigh in on platforms. For us, this is an essential issue.

When I look at some of the people who came to speak to us, this was a consistent concern that we heard from delegations from across the province. And so, we cannot support this amendment.

The Chair (Mr. Grant Crack): Further discussion? Okay, there being none, I shall call—

Ms. Catherine Fife: Recorded vote, please.

The Chair (Mr. Grant Crack): I shall call for the vote on government motion number 9, and there has been a request for a recorded vote. Those in favour of government motion number 9?

Ayes

Hoggarth, Malhi, Mangat, Rinaldi, Vernile.

Nays

Fife.

The Chair (Mr. Grant Crack): I declare government motion number 9 carried.

We shall move to government motion number 11, which is an amendment to subsection 1(4), subsection 1(1), clause (b) of the—

Interjections: Ten.

The Chair (Mr. Grant Crack): What did I say?

Ms. Ann Hoggarth: You said 11. It's 10.

The Chair (Mr. Grant Crack): Sorry, government motion 10, which is an amendment to subsection 1(4), subsection 1(1), clause (b) of the Election Finances Act, definition of "political advertising."

Is anyone willing to read that into the record?

Mrs. Amrit Mangat: Which one?

The Chair (Mr. Grant Crack): Government motion number 10.

Mrs. Amrit Mangat: I'll read it.

The Chair (Mr. Grant Crack): Ms. Mangat.

Mrs. Amrit Mangat: I move that clause (b) of the definition of "political advertising" in subsection 1(1) of

the Election Finances Act, as set out in subsection 1(4) of the bill, be struck out and the following substituted:

"(b) the distribution of a book, or the promotion of the sale of a book, for no less than its commercial value, if the book was planned to be made available to the public regardless of whether there was to be an election,"

The Chair (Mr. Grant Crack): Further discussion on government motion 10? Ms. Mangat.

Mrs. Amrit Mangat: Over the summer, we heard from the experts, general public and opposition parties. This change is based on the feedback we heard from the PC expert witness, Guy Giorno. I recommend voting in favour of this.

The Chair (Mr. Grant Crack): Further discussion on government motion 10? Ms. Fife.

Ms. Catherine Fife: I was actually just seeking more clarity around this amendment. For us, it does appear to be too broad and it does become difficult for a CEO to enforce. I just want to better understand where you're coming from with this motion.

The Chair (Mr. Grant Crack): Ms. Mangat.

Mrs. Amrit Mangat: Chair, we believe that the sharing of ideas is critical to the democratic process, as was said earlier. I'm going to reiterate that this change is based on what we have heard from the experts during the public hearings. PC expert witness Guy Giorno gave this expert opinion, and we are doing that on the basis of that and we are accepting it.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on government motion number 10. Those in favour of government motion number 10? Those opposed? I declare government motion number 10 carried.

We shall move to government motion number 11, which is an amendment to subsection 1(4), subsection 1(1), clause (c) of the Election Finances Act, definition of "political advertising." Ms. Mangat.

Mrs. Amrit Mangat: I move that clause (c) of the definition of "political advertising" in subsection 1(1) of the Election Finances Act, as set out in subsection 1(4) of the bill, be struck out and the following substituted:

"(c) communication in any form directly by a person, group, corporation or trade union to their members, employees or shareholders, as the case may be,"

The Chair (Mr. Grant Crack): Further discussion? Ms. Mangat.

Mrs. Amrit Mangat: Chair, we believe that freedom of speech is a fundamental right in our society and we recognize that groups such as corporations and trade unions have both an ongoing responsibility and a right to communicate with their members, employees and shareholders, so I recommend voting in favour of this.

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: We'll be pleased to support this amendment, Chair.

The Chair (Mr. Grant Crack): Any further discussion? There being none, I shall call for the vote on

government motion number 11. Those in favour? None opposed. I declare government motion 11 carried.

We shall move to NDP motion number 12, which is an amendment to subsection 1(4), subsection 1(1) of the Election Finances Act, definition of “political advertising.” Ms. Fife.

Ms. Catherine Fife: I move that subsection 1(4) of bill be struck out.

The intention of this amendment is that it strikes out the definition of political advertising. The act would retain its existing definition of political advertising. As you know, I spoke against amendment number 9 because we feel that the definition as changed by the government is still too broad. I think that there is a chance—in fact, there’s a good chance—that it would capture those issue-based advocacy groups and essentially silence them or censor them.

The Chair (Mr. Grant Crack): Further discussion?

Mrs. Amrit Mangat: I recommend voting against this motion because motions 9 and 60 help provide additional clarity as to what is political advertising.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on NDP motion number 12.

Ms. Catherine Fife: Recorded vote, please.

The Chair (Mr. Grant Crack): There’s been a request for a recorded vote, which shall be entertained.

Ayes

Fife.

Nays

Hoggarth, Malhi, Mangat, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): I declare NDP motion number 12 defeated.

We shall move to government motion number 13, which is an amendment creating a new subsection, 1(5.1), new definition of “voluntary labour,” subsection 1(1) of the Election Finances Act. Ms. Malhi.

1440

Ms. Harinder Malhi: I move that section 1 of the bill be amended by adding the following subsection:

“(5.1) Subsection 1(1) of the act is amended by adding the following definition:

““voluntary labour” means any service provided free of charge by a person outside their working hours, but does not include such a service provided by a person who is self-employed if the service is one that is normally charged for by that person; (French)”

The Chair (Mr. Grant Crack): Further discussion? Ms. Malhi.

Ms. Harinder Malhi: We recommended this because the proposed motion is linked to motion 6 that removed the exemption of paid labour from the definition of “contribution” in the act. The amendment would add a definition of “voluntary labour” to clarify what labour is

allowed under the act such that it would not be considered a contribution.

The definition specifies that voluntary labour must be provided for free outside of a person’s normal working hours and it specifically excludes labour of self-employed persons if they would otherwise charge for that labour.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on government motion number 13. Those in favour of government motion 13? There are none opposed. I declare government motion 13 carried.

We shall move to PC motion number 14, which is an amendment to subsection 1(6), subsection 1(3) of the Election Finances Act. Ms. Malhi.

Ms. Harinder Malhi: I move that subsection 1(6) of the bill be struck out.

The Chair (Mr. Grant Crack): Is there further discussion on PC motion 14? There being none, I shall call for the vote on PC motion 14. Those in favour—oh, sorry.

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Nays

Hoggarth, Malhi, Mangat, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): I declare PC motion 14 defeated.

We shall move to government motion number 15, which is an amendment to subsection 1(7), subsection 1(4) of the Election Finances Act. Mr. Rinaldi.

Mr. Lou Rinaldi: I move that the bill be amended by adding the following subsection:

“(7) Subsection 1(4) of the act is repealed.”

The Chair (Mr. Grant Crack): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Sure, Chair. The proposed motion will repeal a section of the act that exempts funds held in trust for a constituency association, the future candidacy of any person or for an election campaign from the requirement of the Election Finances Act if they were established on or before specific dates in 1975.

These are 40-year-old provisions. They were established with the intent that these trusts shall be wound down since the practice has been disallowed since 1975. Removing this subsection will effectively require such a trust to be ended, so I recommend voting for this motion, Chair.

The Chair (Mr. Grant Crack): Further discussion on government motion 15? There being none, I shall call for the vote on government motion number 15. Those in favour? Those opposed? I declare government motion 15 carried.

We have made it through section 1. There were amendments that have passed. Is there any discussion on section 1, as amended, in its entirety? If not, then I shall

call for the vote. Shall section 1, as amended, carry? I declare section 1, as amended, carried.

We shall move to section 2. We have NDP motion number 16, which is a motion creating a new subsection 2(4.1), clause 2(1)(j.2) of the Election Finances Act. Ms. Fife.

Ms. Catherine Fife: I move that section 2 of the bill be amended by adding the following subsection:

“(4.1) Clause 2(1)(j.2) of the act is amended by striking out ‘section 34.1’ and substituting ‘section 34.1 and 34.2’.”

The Chair (Mr. Grant Crack): Just for information for the committee, this amendment refers to a new section of the act that is proposed in motion 54. Would the committee agree to postpone consideration of this motion until number 54 has been considered? Because if 54 is lost, then this amendment will be out of order.

Ms. Fife?

Ms. Catherine Fife: That makes sense.

The Chair (Mr. Grant Crack): Okay. So I have agreement from the committee that we will stand this one down until such time as we deal with amendment 54? Okay, thank you.

So we'll move to PC motion number 17, which is an amendment to section 2, clause 2(1)(d) of the Election Finances Act. Ms. Fife?

Ms. Catherine Fife: I'll read the PC motion into the record. I move that section 2 of the bill, which amends section 2 of the Election Finances Act, be struck out and the following substituted:

“2. Clause 2(1)(d) of the act is amended by adding ‘and other activities that this act regulates’ at the end.”

The Chair (Mr. Grant Crack): Any discussion on PC motion 17? Ms. Hoggarth.

Ms. Ann Hoggarth: I recommend voting against this motion because removing references to nomination contestants from the act is inconsistent with the government's commitment to strengthen the rules around election financing and level the playing field among political actors. Nomination contestants should be subject to the same kinds of rules as other political participants in our democratic process.

The Chair (Mr. Grant Crack): Ms. Fife.

Ms. Catherine Fife: We would have been supportive of this motion if the PC members were here and they brought it forward. It does give the Chief Electoral Officer the authority of other activities that the act regulates, and I think what we heard—research especially did a very good job of giving us a comparison of what powers other electoral officers have versus what the electoral officer in Ontario has. Clearly, if Bill 201 is to be successful on any level, the electoral officer has to have the ability, the purview and the overview to ensure that the bill is upheld, the conditions and the regulations within the bill are upheld. So in our minds, when the PCs brought forward this amendment, for us it was a way to support the electoral officer and give him greater powers to do his job.

The Chair (Mr. Grant Crack): Further discussion on PC motion 17? There being none, I shall call for the vote.

Ms. Catherine Fife: Recorded vote, please.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote. I like the timing. I appreciate that.

Ayes

Fife.

Nays

Hoggarth, Malhi, Mangat, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): I declare PC motion number 17 defeated.

Because we have stood down NDP motion number 16, we will deal with that after motion 54. With the committee's approval—but it only makes sense—we shall stand down as well section 2 until such time as we deal with that outstanding motion. Fair enough? Stood down.

We shall move to section 3. There are no amendments. Section 4: There are no amendments. Sections 5, 6, 7 and 8: There are no amendments. Does the committee wish to bundle those? I don't hear any opposition.

So we're going to deal with section 3, section 4, section 5, section 6, section 7 and section 8. Are there any comments on any of the sections? There being none, I shall call for the vote. Shall section 3, section 4, section 5, section 6, section 7 and section 8 carry? Those in favour? I declare section 3, section 4, section 5, section 6, section 7 and section 8 carried.

We shall move to government motion number 18, which is an amendment to subsection 9(2), subsection 14(2.1) of the Election Finances Act. Ms. Hoggarth.

1450

Ms. Ann Hoggarth: I move that subsection 14(2.1) of the Election Finances Act, as set out in subsection 9(2) of the bill, be amended by striking out “post of leader of a party” and substituting “post of leader of a registered party”.

The Chair (Mr. Grant Crack): Further discussion? Ms. Hoggarth.

Ms. Ann Hoggarth: The proposed motion is a housekeeping amendment that adds the word “registered” to the phrase “post of a leader of a party.” The purpose of this amendment is to make the wording of this subsection consistent with other provisions of the act.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote. Those in favour of government motion number 18? Those opposed? I declare government motion number 18 carried.

There is that one amendment to section 9 that just carried. Is there any discussion on section 9, as amended? If not, I shall call for the vote. Shall section 9, as amended, carry? I declare section 9, as amended, carried.

We shall move to section 10. PC motion number 19, which is an amendment to subsection 10(1), subsection 16(1) of the Election Finances Act. Ms. Hoggarth?

Ms. Ann Hoggarth: I move that subsection 16(1) of the Election Finances Act, as set out in subsection 10(1) of the bill, be amended by striking out “nomination contestants”.

The Chair (Mr. Grant Crack): Further discussion? Ms. Vernile.

Ms. Daiene Vernile: Thank you, Chair. I recommend voting against this motion because taking out references to nomination contestants from the act is inconsistent with our commitment to strengthen the rules around election financing and creating a level playing field for political players. They should be subject to the same kind of rules that other political players in our democratic process have to observe. Nomination contestants can ultimately become members of the Legislative Assembly, and even the cabinet; therefore the same principles regarding access to funding, transparency and creating an even playing field should apply to them too.

The Chair (Mr. Grant Crack): Further discussion on PC motion 19? There being none, I shall call for the vote. Those in favour of PC motion 19? Those opposed to PC motion 19? I declare PC motion number 19 lost.

We shall move to PC motion number 20, which is an amendment to subsection 10(2), subsection 16(2) of the Election Finances Act. Mr. Rinaldi?

Mr. Lou Rinaldi: Sure. I move that subsection 10(2) of the bill be struck out.

The Chair (Mr. Grant Crack): Any discussion on PC motion 20? Ms. Vernile.

Ms. Daiene Vernile: Thank you, Chair. I recommend voting against this motion because taking out references to nominees from the act is inconsistent with our commitment to strengthen the rules around election financing and levelling the playing field. Nominees should be subject to the same rules as other political players.

The Chair (Mr. Grant Crack): Further discussion on PC motion 20? There being none, I shall call for the vote. On PC motion 20, those in favour? Those opposed? I declare PC motion 20 defeated.

We shall move to NDP motion 21, which is creating new subsection 10(3), subsection 16(3) of the Election Finances Act. Ms. Fife.

Ms. Catherine Fife: It's a PC motion.

The Chair (Mr. Grant Crack): I have NDP motion 21 here.

Ms. Catherine Fife: Okay. Sorry, my chart's wrong.

I move that section 10 of the bill be amended by adding the following subsection:

“(3) Subsection 16(3) of the act is amended by adding ‘nomination contestant’ after ‘constituency association’.”

The Chair (Mr. Grant Crack): Further discussion on NDP motion 21? Ms. Mangat.

Mrs. Amrit Mangat: Chair, we will be supporting this.

The Chair (Mr. Grant Crack): Okay. Further discussion? There being none, I shall call for the vote on NDP motion 21.

Those in favour? There are none opposed. I declare NDP motion 21 carried.

The Chair (Mr. Grant Crack): We shall move to PC motion number 22, which is an amendment creating new subsection 10(3), subsection 16(2.1) of the Election Finances Act. Ms. Fife?

Ms. Catherine Fife: I'll read the amendment into the record.

I move that section 10 of the bill be amended by adding the following subsection:

“(3) Section 16 of the act is amended by adding the following subsection:

“Information about contributions

“(2.1) An individual who makes a contribution in excess of \$100, whether as a single contribution or an aggregate of contributions made in a year, to a party, constituency association, nomination contestant, candidate or leadership contestant registered under this act shall disclose the following information to the chief financial officer of the party, constituency association, nomination contestant, candidate or leadership contestant, as the case may be:

“1. The name and mailing address of the individual.

“2. If any, the occupation of the individual and the name and mailing address of the individual’s employer.””

The Chair (Mr. Grant Crack): Further discussion on PC motion 22? Okay, Ms. Fife.

Ms. Catherine Fife: We are supportive of this motion for greater transparency. We heard very clearly that there were some questions about following the money and about contributions made as defined in this amendment, and so we think that this would strengthen Bill 201.

The Chair (Mr. Grant Crack): Ms. Mangat.

Mrs. Amrit Mangat: I recommend voting against this motion because the goal of the bill is to ensure a fair and transparent electoral process that gives a voice to all Ontarians.

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: It's very interesting, isn't it? I argued transparency and they argued transparency, and this motion actually makes the disclosure of a contribution over \$100 more transparent. Therefore, it would strengthen the reporting requirements. We heard very clearly from delegations across the province that this is a concern: Who is donating to who, and how much? So why don't we deal with this right here on first reading and get this done?

The Chair (Mr. Grant Crack): Ms. Mangat?

Mrs. Amrit Mangat: The proposed motion requires an individual to disclose a significant amount of personal information, including the name of their employer. There is no language in the proposed provisions that would ensure that this information is not disclosed publicly. If this information was made public, it could result in workplace reprisals from employers who disagree with

the employee's decision to contribute to a political party. This may convince individuals to forgo participation in the democratic process and withhold their donations. The proposed motion would introduce provisions that have the potential to curtail participation in the democratic process.

We all know how hard it is to raise money. While we appreciate the need to ensure that corporations and unions do not funnel donations through their employees, government motion 36 accomplishes this without placing a potential chill on democratic participation. So I recommend not favouring this motion.

The Chair (Mr. Grant Crack): Ms. Fife.

Ms. Catherine Fife: As a counterpoint, the rules of election financing are changing. We want people to become more engaged in the electoral process. In doing so, by removing those big-ticket, \$10,000 dinner seats, we're all going to be challenged with reaching out to constituents and to people and engaging them in a new discussion and conversation about politics in the province of Ontario. We need this disclosure in order to track it. In other jurisdictions, in the United States, it happens.

Our challenge here is to shift the culture of political financing, of election financing. This is a needed part of the process.

The Chair (Mr. Grant Crack): Further discussion?

Mrs. Amrit Mangat: Chair, as I said earlier, government motion 36 will accomplish this, so I recommend voting against this motion.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion 22.

Ms. Catherine Fife: Recorded vote, please.

The Chair (Mr. Grant Crack): There's a request for a recorded vote, which will be granted. Those in favour of PC motion 22?

Ayes

Fife.

Nays

Hoggarth, Mangat, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): I declare PC motion number 22 lost.

We shall move to PC motion number 23, which is an amendment creating a new subsection 10(3), new subsection 16(2.1) of the Election Finances Act. Would someone read that into the record? Ms. Malhi.

Interjections.

1500

The Chair (Mr. Grant Crack): Ms. Hoggarth.

Ms. Ann Hoggarth: Okay. Sorry.

I move that section 10 of the bill be amended by adding the following subsection:

“(3) Section 16 of the act is amended by adding the following subsection:

“Information about contributions

“(2.1) An individual who makes a contribution in excess of \$100, whether as a single contribution or an aggregate of contributions made in a year, to a party, constituency association, candidate or leadership contestant registered under this act shall disclose the following information to the chief financial officer of the party, constituency association, candidate or leadership contestant, as the case may be:

“1. The name and mailing address of the individual.

“2. If any, the occupation of the individual and the name and mailing address of the individual's employer.”

The Chair (Mr. Grant Crack): Any further discussion on PC motion number 23? Ms. Malhi.

Ms. Harinder Malhi: I recommend voting against this motion because the proposed motion requires an individual to disclose a significant amount of personal information, including the name of their employer. There's no language in the proposed provisions that would ensure that this information is not disclosed publicly, and if this information was made public, it would result in workplace reprisals from employers who disagreed with the employee's decision to contribute to a political party. This may convince individuals to forgo participation in the democratic process and withhold their donations.

Removing references to nomination contestants from the act is inconsistent with the government's commitment to strengthen the rules around election financing and level the playing field amongst political actors. Nominations contestants should be subject to the same kind of rules as other political actors in our democratic process.

The Chair (Mr. Grant Crack): Ms. Fife?

Ms. Catherine Fife: Just as a point of interest, though, contributors already provide their home address to receive tax credits when they make a donation. The new part of this would be the employer. As we heard at committee, having that information is important for the disclosure piece and the accountability piece, so we will be supporting this motion.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for—

Ms. Catherine Fife: Recorded vote, please.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

Fife.

Nays

Hoggarth, Malhi, Mangat, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): I declare PC motion number 23 defeated.

There was one amendment to section 10, which carried. Is there any discussion on section 10 in its entirety, as amended? If not, I shall call the vote on section 10, as

amended. Those in favour? Those opposed? I declare section 10, as amended, carried.

We shall move to NDP motion number 24, which is creating a new section, 10.1, for a new section, 16.1, of the Election Finances Act. Ms. Fife.

Ms. Catherine Fife: So this is motion number 24?

The Chair (Mr. Grant Crack): Yes.

Ms. Catherine Fife: Thank you.

I move that the bill be amended by adding the following section:

“10.1 The act is amended by adding the following section:

“Solicitation of contributions

“16.1 No candidate or leadership contestant shall personally solicit contributions from a person or organization if it would place the candidate or leadership contestant in a conflict of interest or in an apparent conflict of interest.””

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: I think everyone around this table is well versed in why this motion has been brought forward. We have had many occasions now where the public, the media, have called into question the solicitation of funds and money from specific stakeholders—in some instances, very much connected to a minister’s portfolio. The apparent conflict of interest is very damaging, I think, to our democratic institution and the confidence that the public have in this place and in the work that we do.

This amendment would indicate that candidates cannot solicit funds in a way that places them in a conflict of interest. For us, this really is the key trust issue that’s embedded in this piece of legislation. Well, it’s not embedded in it, but we want it to be embedded into Bill 201.

The Integrity Commissioner recently ruled on a complaint with regard to the Minister of Energy and a fundraising event which was private and which had a high ticket price. While he could not make a full ruling, his language was specific in that he said that any reasonable person, essentially, would conclude that the minister in this instance would be in a conflict of interest. There was the appearance of a conflict of interest.

I would argue that if we are unable to address this key piece, that confidence issue will still be there with the public. While the ticket prices will be much reduced—and I think that’s a welcomed intention of the bill. We certainly welcome the lower contribution levels. Those \$10,000-ticket days I think are done, and that’s a good thing. But when you have these private fundraisers, which are not—these are not our spaghetti fundraisers. These are not our teas that we host, or our Mother’s Day breakfast. These are not those kinds of events. Those events are very public events. Many people whom you would normally never see, who are not directly a stakeholder to me as a finance critic or to the PA of transportation—they are very open events. So we feel very strongly that this amendment needs to be part of Bill 201

if we are going to make substantive changes to the election finances in the province of Ontario.

I’m hopeful that the government recognizes that, based on the statement that was read out earlier by Mr. Naqvi. He says that they’re going to introduce “an amendment to ban fundraising events for all MPPs.” We’ll have to see what this actually looks like going forward. But then afterwards he goes on to say, “I want to be clear our amendments will not ban fundraising altogether....” So there is some question as to what these fundraising events are actually going to be, because even the announcement is somewhat contradictory.

In lieu of this announcement or the statement that was read out earlier, I think we still have a responsibility as committee members to ensure that, “No candidate or leadership contestant shall personally solicit contributions from a person or an organization if it would place the candidate or leadership contestant in a conflict of interest....” This would be a significant culture shift for this place and for us as MPPs.

Newfoundland just went through a very comprehensive review because they had a crisis in that province—a crisis of trust, a question of integrity. I think that we can fix this today with Bill 201, by the government supporting NDP motion 24.

The Chair (Mr. Grant Crack): Further discussion? Ms. Malhi.

Ms. Harinder Malhi: I will be recommending that we will not be supporting NDP motion number 24 because of the new government motion number 54, as it talks about not having clear proposed amendments that we will not be banning fundraising altogether, but would rather ban parties and riding associations from holding fundraising events where elected officials attend. That’s why we will be opposing it.

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: I just want to be clear. The motion reads, “No candidate or leadership contestant shall personally solicit....” This is specifically getting to those private Bay Street boardroom meetings.

Interjection.

Ms. Catherine Fife: But this is the conflict-of-interest piece you’re not addressing. You’re not addressing it in any of the government amendments going forward. If you don’t support this amendment, then you are basically saying that the apparent conflict of interest is fine, or a conflict of interest is fine. This is the trust issue. This is the heart of matter.

I really am missing my PC counterparts right now—I just would like to point that out—because they would be all over this. They would have stronger words than “poppycock,” I assure you.

1510

Out of all the caucus members for the NDP, when I took these amendments to them, this was the one that they said—this is why our deputy leader filed a complaint with the Integrity Commissioner. The Integrity Commissioner—his hands are essentially tied in this

matter, but he did admit in his finding and in his ruling that the apparent conflict of interest is an issue. Conflict of interest is an issue and the perception of conflict of interest is an issue. Where is the rationale on the government's side that you would not support—this is the way to clean up the fundraising.

Interjection.

Ms. Catherine Fife: Do you have something to say?

Ms. Ann Hoggarth: No.

The Chair (Mr. Grant Crack): Further debate? Ms. Malhi.

Ms. Harinder Malhi: The proposed language doesn't clearly outline what would constitute a true conflict of interest. There's no standard for determining whether a person is in an apparent conflict of interest, and there would be no way for individuals to know whether or not they are in compliance with this new proposed section of the act. There may be a gap that could still allow for inappropriate contributions, as the provision would apply only to candidates and leadership contestants themselves and not to any other actor, such as an agent or employee, who would still solicit such contributions.

The Chair (Mr. Grant Crack): Ms. Fife?

Ms. Catherine Fife: I just want to illustrate why that explanation doesn't address the concerns that we have. If this amendment doesn't pass with the support of the government, then the issues that we have seen play themselves out in the media—which, quite honestly, harm all of us and harm all the reputations of politicians. If the Minister of Energy sees no issue or takes no exception to hosting a high-priced dinner with eight bankers who are competing for the IPO of Hydro One—if common sense does not prevail in that situation, then we need legislation to monitor it. We need the Integrity Commissioner to have the oversight. He needs the power to actually weigh in on it. It shouldn't have to be MPPs filing complaints against MPPs; the law should be clear for us as lawmakers.

We have this opportunity to strengthen a law today, to make Bill 201 a better piece of legislation and to ensure that, whoever is the government next, whoever is the Minister of Energy, if there's a contract at play, that minister doesn't end up in a boardroom on Bay Street soliciting funds. It's really as simple as that for us. I could argue it all day, but we've already had four recesses.

The Chair (Mr. Grant Crack): Further discussion? Ms. Malhi.

Ms. Harinder Malhi: We do feel that this amendment doesn't go far enough and that our amendment that we'll bring forward during second reading will take it further and address all of the concerns.

Ms. Catherine Fife: So just to be clear—sorry, Chair.

The Chair (Mr. Grant Crack): Ms. Fife.

Ms. Catherine Fife: The government is going to bring forward a conflict-of-interest amendment to Bill 201 that would guide the solicitation of contributions for candidates or leadership contestants in a conflict of interest or in an apparent conflict of interest, or will you

be bringing forward a code of conduct? It's two very different things.

This is first reading. This is the time to build the legislation and to debate it, and then we have another go at it in second reading. This is a unique opportunity for us to do the right thing today.

The Chair (Mr. Grant Crack): Further discussion? There being none—

Ms. Catherine Fife: Recorded vote, please.

The Chair (Mr. Grant Crack): I shall call for the vote on NDP motion 24. There has been a request that it be recorded. It shall be granted.

Ayes

Fife.

Nays

Hoggarth, Malhi, Mangat, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): I declare NDP motion 24 defeated.

We shall move to section 11. There are no amendments to section 11. Is there any discussion on section 11? There being none, I shall call for the vote. Shall section 11 carry? I declare section 11 carried.

We shall move to section 12, which is PC motion number 25, which is an amendment to subsection 12(1), subsection 18(1.1) of the Election Finances Act. Ms. Hoggarth.

Ms. Ann Hoggarth: I move that subsection 18(1.1) of the Election Finances Act, as set out in subsection 12(1) of the bill, be struck out and the following substituted:

“Constituency associations

“(1.1) The contributions a person makes to registered constituency associations shall not exceed the following in a calendar year:

“1. \$1,550 to any one constituency association, multiplied by the indexation factor determined under section 40.1 for the calendar year and rounded to the nearest dollar.

“2. \$3,100 in total to the constituency associations of the party, multiplied by the indexation factor determined under section 40.1 for the calendar year and rounded to the nearest dollar.”

The Chair (Mr. Grant Crack): Any discussion on PC motion 25? There being none, I shall call for the vote. Those in favour of PC motion 25? Those opposed to PC motion 25? I declare PC motion 25 defeated.

We shall move to NDP motion 26, which is an amendment to subsection 12(1), subsection 18(1) of the Election Finances Act. Ms. Fife.

Ms. Catherine Fife: Chair, I'd like to withdraw this motion.

The Chair (Mr. Grant Crack): NDP motion number 26, which is an amendment to subsection 12(1), subsection 18(1) of the Election Finances Act, at the request of Ms. Fife, has been withdrawn.

Ms. Catherine Fife: Just a comment, please, if I might.

The Chair (Mr. Grant Crack): Okay.

Ms. Catherine Fife: We, of course, wanted to withdraw it, but to indicate that we will be supporting the government's non-election-year cap of \$2,400, which we will reintroduce at second reading.

The Chair (Mr. Grant Crack): We shall move to government motion number 27, which is an amendment to subsection 12(1), subsection 18(1) of the Election Finances Act. Ms. Vernile.

Ms. Daiene Vernile: I move that subsection 12(1) of the bill be struck out and the following substituted:

"12(1) Subsection 18(1) of the act is repealed and the following substituted:

"Maximum contributions

"Registered parties

"18(1) The contributions a person makes to any one registered party shall not exceed, in a calendar year, \$1,200, multiplied by the indexation factor determined for the calendar year under section 40.1 and rounded to the nearest dollar.

"Constituency associations, nomination contestants

"(1.1) The contributions a person makes to registered constituency associations and registered nomination contestants of any one registered party shall not exceed, in a calendar year, \$1,200, multiplied by the indexation factor determined for the calendar year under section 40.1 and rounded to the nearest dollar.

"Candidates of party

"(1.2) The contributions a person makes to registered candidates of any one registered party shall not exceed, in a campaign period, \$1,200, multiplied by the indexation factor determined under section 40.1 for the calendar year in which the campaign period commences and rounded to the nearest dollar.

"Non-party candidates

"(1.3) The contributions a person makes to all registered candidates not endorsed by a registered party shall not exceed, in a campaign period, \$1,200, multiplied by the indexation factor determined under section 40.1 for the calendar year in which the campaign period commences and rounded to the nearest dollar.

"Leadership contestants

"(1.4) The contributions a person makes to any one registered leadership contestant of a registered party shall not exceed, in a calendar year that falls during a leadership contest period or during which the contestant is required to be registered by virtue of subsection 14(2.1), \$1,200, multiplied by the indexation factor determined for the calendar year under section 40.1 and rounded to the nearest dollar."

The Chair (Mr. Grant Crack): Further discussion on government motion 27? Ms. Vernile.

Ms. Daiene Vernile: Chair, I recommend voting for this motion because the intent of the bill is to reduce the influence of money in politics and to try to level the playing field so that wealthy people do not have more or better access to politicians than anyone else. This change

is consistent with and strengthens the overall intent of the bill.

1520

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: It's interesting, because the Chief Electoral Officer did weigh in on this issue when he appeared before us on August 11. He said, "First, our election finance law does not impose any sort of limit on what an individual can collectively give to candidates of different parties, so this would treat independent candidates differently." So it does disadvantage independent candidates.

But as I said on the previous motion, we are supportive of the government's non-election-year cap of \$2,400, which we hope will be introduced at second reading.

The Chair (Mr. Grant Crack): Further discussion? Ms. Vernile.

Ms. Daiene Vernile: I just want to stress that by reducing the individual contribution limit, it means that we are going to limit the impact of big money in politics.

The Chair (Mr. Grant Crack): Any further discussion on government motion 27? There being none, I shall call for a vote. Those in favour of government motion 27? Those opposed? I declare government motion 27 carried.

We shall move to NDP motion number 28, which is an amendment to subsection 12(2), subsections 18(4) to (6) of the Election Finances Act. Ms. Fife?

Ms. Catherine Fife: I move that subsection 12(2) of the bill be struck out.

This addresses the personal funding loopholes. We wanted to get at that. We heard from a number of delegations over the summer, actually, that they felt that there were loopholes for personal donations, so we're trying to address this through this amendment.

The Chair (Mr. Grant Crack): Further discussion on NDP motion 28? Ms. Vernile.

Ms. Daiene Vernile: I recommend voting against the motion because Bill 201 seeks to reduce the influence of outside players on political candidates. There is no risk of outside influence on a candidate's position if a campaign is self-funded.

The Chair (Mr. Grant Crack): Further discussion on NDP motion 28? Ms. Fife.

Ms. Catherine Fife: We did actually hear concerns from the Chief Electoral Officer, as well, that wealthy individuals have more money, and have more money to invest in their own campaigns. This amendment would close that loophole.

Obviously, if we're talking about money and following the money in any election, if you are wealthy, you have an inherent advantage as Bill 201 is crafted. So this amendment would address the personal funding loopholes, which we think are important.

The Chair (Mr. Grant Crack): Further discussion? If not, I shall call for the vote on NDP motion number 28.

Ms. Catherine Fife: Recorded vote, please.

The Chair (Mr. Grant Crack): We shall have a recorded vote.

Ayes

Fife.

Nays

Hoggarth, Malhi, Mangat, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): I declare NDP motion 28 defeated.

There was one amendment that passed in section 12. Is there any discussion on section 12, as amended? If not, I shall call for the vote on section 12, as amended. Those in favour? Those opposed? I declare section 12, as amended, carried.

We shall move to section 13 and PC motion 29, which is an amendment to subsection 13(1), subsection 19(1) of the Election Finances Act. Is there anyone interested in reading that into the record? Mr. Rinaldi.

Mr. Lou Rinaldi: Bear with me, Chair. We are on number 29, correct?

The Chair (Mr. Grant Crack): Twenty-nine, sir.

Mr. Lou Rinaldi: I move that subsection 19(1) of the Election Finances Act, as set out in subsection 13(1) of the bill, be amended by striking out “nomination contestant” in the portion before clause (a).

The Chair (Mr. Grant Crack): Further discussion on PC motion 29? There being none, I shall call for the vote on PC motion 29. Those in favour? Those opposed? I declare PC motion 29 defeated.

We shall move to PC motion number 30, which is an amendment to subsection 13(2), subsection 19(2) of the Election Finances Act. Is there anyone interested in—Mr. Rinaldi.

Mr. Lou Rinaldi: Why don’t I do it? I move that subsection 13(2) of the bill be struck out.

The Chair (Mr. Grant Crack): Further discussion on PC motion number 30? Mr. Rinaldi.

Mr. Lou Rinaldi: Sure. The proposed motion seeks to exempt nomination contestants from the list of political actors subject to contribution rules. If carried, no one would accept any contributions contrary to subsection (1).

The Chair (Mr. Grant Crack): Further discussion on PC motion 30? There being none, I shall call for the vote. Those in favour of PC motion 30? Those opposed? I declare PC motion 30 defeated.

We shall move to government motion number 31, which is creating a new subsection, 13(3), and a new subsection, 19(3), of the Election Finances Act. Ms. Malhi.

Ms. Harinder Malhi: I move that section 13 of the bill be amended by adding the following subsection:

“(3) Section 19 of the act is amended by adding the following subsection:

“Certification by donor

“(3) Every person who makes a contribution described in section 18 shall, at the time of making the contribution, certify, in a form approved by the Chief Electoral Officer, that the person has not acted contrary to subsection (1) of this section.”

The Chair (Mr. Grant Crack): Any discussion on government motion 31? Ms. Malhi?

Ms. Harinder Malhi: The proposed motion will require all individual contributors to certify that any contribution they make is not actually being provided by another person, group, corporation or trade union.

I recommend voting for this motion because the intent of the provision is to ensure that only individuals can contribute to a political actor, and they can only contribute their own money. This is consistent with the purposes of the bill, which include removing the influence of corporations or trade unions from the political process and allowing for the voices of the electors to be heard.

The provision would require every individual donor to certify that the contribution provided comes from his or her own pocket. This will help to ensure that no gaps exist to allow corporations, unions or wealthy individuals to funnel money into the political process through a back door.

The Chair (Mr. Grant Crack): Ms. Fife.

Ms. Catherine Fife: We’re supportive of this motion.

The Chair (Mr. Grant Crack): Any further discussion? There being none, I shall call for a vote on government motion number 31. Those in favour? There are none opposed. I declare government motion number 31 carried.

Ms. Ann Hoggarth: Chair, could we have a five-minute recess, please?

The Chair (Mr. Grant Crack): How about we just do one more and then I can ask? That will finish off section 13.

Ms. Ann Hoggarth: Okay. Sounds great.

The Chair (Mr. Grant Crack): There was one amendment that passed in section 13. Is there any discussion on section 13, as amended? If not, I shall call for the vote. Shall section 13, as amended, carry? I declare section 13, as amended, carried.

I have received a request for a five-minute health break. Is there any opposition to that? There being none, we shall recess for five minutes.

The committee recessed from 1528 to 1536.

The Chair (Mr. Grant Crack): Okay, I hope everyone’s healthy. I call the meeting back to order.

We are on section 14. There are no amendments to section 14. Is there any discussion on section 14? There being none, shall section 14 carry? I declare section 14 carried.

We shall move to section 15, which has PC motion 32 as the first amendment, which amends subsection 15(1), subsection 21(1) of the Election Finances Act. Ms. Hoggarth.

Ms. Ann Hoggarth: I move that subsection 15(1) of the bill be struck out.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion on PC motion 32? There being none, I shall—Ms. Malhi.

Ms. Harinder Malhi: So removing—sorry.

The Chair (Mr. Grant Crack): PC motion 32.

Ms. Harinder Malhi: I recommend voting against this motion because removing references to nomination contestants from the act is inconsistent with the government's commitment to strengthen the rules around election financing and to level the playing field among political actors. Nomination contestants should be subject to the same kinds of rules as other political actors in our democratic process.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion number 32. Those in favour of PC motion 32? Those opposed? I declare PC motion 32 defeated.

We shall move to PC motion number 33, which is an amendment to subsection 15(2), subsection 21(2) of the Election Finances Act. Ms. Vernile.

Ms. Daiene Vernile: I move that subsection 21(2) of the Election Finances Act, as set out in subsection 15(2) of the bill, be amended by striking out “nomination contestant”.

The Chair (Mr. Grant Crack): Any discussion on PC motion 33? Ms. Mangat.

Mrs. Amrit Mangat: Chair, we believe that nomination contestants should be regulated in the same way as other political actors. By doing that, we ensure that their activities are guided by a clear set of rules at every step of the electoral process, starting with the nomination process. I recommend opposing this.

The Chair (Mr. Grant Crack): Further discussion on PC motion 33? There being none, I shall call for the vote. Those in favour of PC motion 33? Those opposed to PC motion 33? I declare PC motion 33 defeated.

We shall move to PC motion 34, which is an amendment to subsection 15(3), subsection 21(3) of the Election Finances Act. Ms. Mangat.

Mrs. Amrit Mangat: I move that subsection 15(3) of the bill be struck out.

The Chair (Mr. Grant Crack): Further discussion?

Mrs. Amrit Mangat: I recommend opposing this, because one of the goals of Bill 201 is to even the playing field by reducing the role of money in the political process.

The Chair (Mr. Grant Crack): Any further discussion on PC motion 34? There being none, I shall call for the vote. Those in favour of PC motion 34? Those opposed to PC motion 34? I declare PC motion 34 defeated.

Section 15 has gone unamended. Is there any discussion on section 15 in its entirety? There being none, I shall call for the vote. Shall section 15 carry? I declare section 15 carried.

We shall move to section 16, which has PC motion number 35, an amendment to subsection 16(1), clause 22(1)(a) of the Election Finances Act. Ms. Mangat.

Mrs. Amrit Mangat: I move that clause 22(1)(a) of the Election Finances Act, as set out in subsection 16(1) of the bill, be amended by striking out “the nomination of a registered nomination contestant”.

The Chair (Mr. Grant Crack): Further discussion? There being no discussion, I shall call for the vote. Those in favour of PC motion number 35? Those as opposed to PC motion 35? I declare PC motion 35 defeated.

We shall move to government motion number 36, which is an amendment to subsection 16(1), clause 22(1)(b) of the Election Finances Act. Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I move that clause 22(1)(b) of the Election Finances Act, as set out in subsection 16(1) of the bill, be struck out and the following substituted:

“(b) it is provided or arranged for by a person, organization or entity in coordination with the party, contestant or candidate, or the registered constituency association of the candidate; and”

The Chair (Mr. Grant Crack): Further discussion on government motion 36? Mr. Rinaldi.

Mr. Lou Rinaldi: I recommend voting for this motion because this provision closes a gap that could allow a registered constituency association to avoid considering political advertising to be a contribution if they provide or arrange for it.

The Chair (Mr. Grant Crack): Further discussion on government motion 36? There being none, I shall call for the vote. Those in favour of government motion 36? I declare government motion 36 carried.

We shall move to PC motion 37, which is an amendment to subsection 16(1), subsections 22(1), (2) and (3) of the Election Finances Act. Ms. Hoggarth.

Ms. Ann Hoggarth: I move that subsections 22(1), (2) and (3) of the Election Finances Act, as set out in subsection 16(1) of the bill, be struck out and the following substituted:

“Advertising as contribution

“(1) Political advertising constitutes a contribution for the purposes of this act if,

“(a) it promotes a registered party, the nomination of a registered nomination contestant, the election of a registered candidate or the leadership of a registered leadership contestant;

“(b) it is provided or arranged for by a person with the knowledge and consent of the party, contestant or candidate; and

“(c) its value as determined under section 21 is more than \$100.

“Same, negative advertisements

“(1.1) Political advertising constitutes a contribution for the purposes of section 16 if,

“(a) it refers negatively to a registered party, the nomination of a registered nomination contestant, the election of a registered candidate or the leadership of a registered leadership contestant;

“(b) it is provided or arranged for by a person; and

“(c) its value as determined under section 21 is more than \$100.

“Contribution limits

“(1.2) The following rules apply to political advertising that constitutes a contribution as a result of subsection (1.1):

“1. If the contribution refers to a registered candidate, the contribution shall not exceed the limit that applies to a contribution under paragraph 4 of subsection 18(1) and paragraph 5 of that subsection does not apply to the contribution.

“2. If the contribution does not refer to a registered candidate, the contribution shall not exceed the limit that applies to a contribution under paragraph 1 of subsection 18(1).

“Cost

“(2) Clauses (1)(c) and (1.1)(c) apply to,

“(a) a single political advertisement whose value is more than \$100; and

“(b) two or more political advertisements whose aggregate value is more than \$100, if they,

“(i) appear during the same calendar year, and

“(ii) are provided or arranged for by the same person.

“Campaign expense

“(3) A contribution described in subsection (1) that is made during an election campaign constitutes a campaign expense of the party or candidate promoted.”

The Chair (Mr. Grant Crack): Thank you very much, and good job on the longest motion so far.

Discussion on PC motion 37? Ms. Vernile.

Ms. Daiene Vernile: Chair, I recommend voting against this motion because creating a class of negative ads is going to result in a significant and inappropriate increase in the number of ads that are going to come under the guise of political advertising. You’re going to see that we will better deal with this in motion 38.

The Chair (Mr. Grant Crack): Further discussion on PC motion 37? There being none, I shall call for the vote. Shall PC motion 37 carry? I don’t hear anything. Those opposed to PC motion 37? I declare PC motion 37 defeated. I did things a little backwards there.

Okay. There was one amendment to section 16. Is there any discussion on section 16, as amended? There being none, I shall call for the vote. Shall section 16 carry? I declare section 16, as amended, carried.

We shall move to government motion number 38, which is creating a new section 16.1, new section 22.1 of the Election Finances Act. Ms. Vernile.

Ms. Daiene Vernile: I move that the bill be amended by adding the following section:

“16.1 The act is amended by adding the following section:

“Coordination rules

“22.1(1) Coordination, as referred to in clause 22(1)(b), is deemed to have occurred if a registered political party, registered candidate, registered constituency association, registered nomination contestant or registered leadership contestant, or any of their agents, employees or independent contractors,

“(a) requested or suggested that the advertisement be created, produced or distributed, or assented to its creation, production or distribution;

“(b) was materially involved in decisions regarding the content, audience, dissemination, or distribution of the advertisement;

“(c) engaged in substantial discussions regarding the advertisement with the person, organization or entity responsible for the advertisement or its agents, employees or independent contractors that were material to the creation, production, or distribution of the advertisement; or

“(d) conveyed information about the plans or needs of a registered political party, registered candidate, registered nomination contestant or registered leadership contestant for the purpose of contributing materially to the creation, production or distribution of the advertisement.

“No formal agreement necessary

“(2) For greater certainty, coordination can occur even in the absence of a formal agreement.

“Activities not constituting coordination

“(3) The following activities do not, on their own, constitute coordination:

“1. Endorsement of a registered political party, registered candidate, registered nomination contestant or registered leadership contestant, or the communication directly, in any form, of such an endorsement by a person, group, corporation or trade union to their members, employees or shareholders, as the case may be.

“2. Inquiries as to the position of a registered political party, registered candidate, registered constituency association, registered nomination contestant or registered leadership contestant on legislation or a policy matter.

“3. The exchange of, or reliance upon, publicly available information.

“4. Mutual attendance at a public event or an invitation to attend a public event.

“5. The use of a common vendor.

“6. The conveyance of information that is not material to the creation, production or distribution of the advertisement.”

The Chair (Mr. Grant Crack): Any further discussion on government motion 38? Ms. Vernile.

Ms. Daiene Vernile: Chair, I recommend that we vote for this motion because the intent of the bill, as you’ve heard today, is to level the playing field and to ensure fairness among all political actors.

The Chair (Mr. Grant Crack): Further discussion on government motion 38? There being none, I shall call for the vote. Those in favour of government motion 38? Those opposed? I declare government motion 38 carried.

We shall move to section 17. We have government motion 39, which is creating a new subsection 17(4) of the bill, new subsections 23(6) and (7) of the Election Finances Act. Ms. Vernile.

1550

Ms. Daiene Vernile: I move that section 17 of the bill be amended by adding the following subsection:

“(4) Section 23 of the act is amended by adding the following subsections:

“Information re fund raising activities

“(6) Every registered party to which section 25.1 applies shall post on its website the following information respecting every fund-raising activity held by or on behalf of the party, its constituency associations and candidates:

“1. The date of the fund raising activity.

“2. The location of the fund raising activity.

“3. The amount of the charge, if any, for attending the fund raising activity.

“4. The identity of the recipient or recipients of the funds to be raised at the fund raising activity.

“Timing

“(7) The registered party shall post the information described in subsection (6),

“(a) at least seven days before the date of the fund-raising activity; or

“(b) in the case of a fund raising activity that is to take place during the period commencing with the issue of a writ for any election and terminating on election day, at least three days before the date of a fund raising activity.”

The Chair (Mr. Grant Crack): Just for clarification, in the very last paragraph, with the issue of the writ for “any election,” it’s “an election,” I think.

Ms. Daiene Vernile: Okay.

The Chair (Mr. Grant Crack): I just wanted to clarify that. You’re okay with that?

Ms. Daiene Vernile: Yes, thank you.

The Chair (Mr. Grant Crack): Thank you very much.

Having said that, is there any discussion on government motion 39? Ms. Vernile.

Ms. Daiene Vernile: I recommend voting in favour of this motion. It’s going to establish a new requirement to publicize information about fundraising activities. We are very committed to transparency, and this is all about sharing information with the public.

The Chair (Mr. Grant Crack): Further discussion on government motion 39? Ms. Fife.

Ms. Catherine Fife: We are supportive of this amendment, the seven days prior to the fundraiser and the three days prior during a writ. But I do have to wonder how this will work out when we just had this motion read to us today that the Attorney General is going to introduce an amendment to ban fundraising events. So perhaps we won’t—

Interjections: No, no.

Ms. Catherine Fife: Well, I’m just reading exactly from the document that was brought out, although he says he wants to be clear that we will not ban fundraising altogether. That’s really clear, right? He’s going to ban, but not altogether, so—

Interjections.

Ms. Catherine Fife: Excuse me. Talk through the Chair.

The Chair (Mr. Grant Crack): Order. Order.

Ms. Catherine Fife: Anyway, we’re supportive of this. I think it’s a really good idea.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for a vote on government motion 39. Those in favour of government motion 39? I declare government motion 39 carried.

We shall move to government motion number 40, which is creating a new subsection, 17(5), new subsection 23(8) of the Election Finances Act. Ms. Hoggarth.

Ms. Ann Hoggarth: I move that section 17 of the bill be amended by adding the following subsection:

“(5) Section 23 of the act is amended by adding the following subsection:

“Limit on contributions

“(8) The total contribution made with respect to a single fund raising activity by a contributor may not exceed \$1,200, multiplied by the indexation factor determined under section 40.1 for the calendar year in which the fund raising activity is held and rounded to the nearest dollar.”

The Chair (Mr. Grant Crack): Further discussion on government motion 40? Ms. Hoggarth.

Ms. Ann Hoggarth: I recommend voting for this motion because the provision will ensure that political participants cannot get around contribution limits by charging attendees at fundraisers ticket prices higher than the contribution limit, that are then split among several political participants.

The Chair (Mr. Grant Crack): Further discussion on government motion 40? There being none, I shall call for the vote on government motion 40. Those in favour? I declare government motion 40 carried.

There were two amendments that were successful in section 17. Is there any discussion on section 17, as amended? Then I shall call for the vote, there being none. Shall section 17, as amended, carry? I declare section 17, as amended, carried.

We do not have any amendments in sections 18, 19 and 20. Does the—

Ms. Ann Hoggarth: Bundle them.

The Chair (Mr. Grant Crack): I hear a request for a bundling of those three sections. Is there any discussion on sections 18, 19 and 20?

There being none, I shall call for the vote. Shall section 18, section 19 and section 20 carry? I declare section 18 carried, section 19 carried and section 20 carried.

We shall move to section 21. We have PC motion 41, which is an amendment to subsection 21(1), subsection 26(1) of the Election Finances Act. Ms. Vernile?

Ms. Daiene Vernile: I move that subsection 26(1) of the Election Finances Act, as set out in subsection 21(1) of the bill, be amended by striking out “nomination contestant”.

The Chair (Mr. Grant Crack): Any discussion on PC motion number 41? Ms. Hoggarth.

Ms. Ann Hoggarth: I recommend voting against this motion because removing references to nomination candidates from the act is inconsistent with the govern-

ment's commitment to strengthen the rules around election financing and levelling the playing field among political participants. Nomination contestants should be subject to the same kinds of rules as other political participants in our democratic process.

The Chair (Mr. Grant Crack): Further discussion on PC motion 41? There being none, I shall call for the vote. Those in favour of PC motion 41? Those opposed? I declare PC motion 41 defeated.

We shall move to PC motion 42, which is an amendment to section 21, subsections 26(1), (1.1) and (2) of the Election Finances Act. Ms. Malhi.

Ms. Harinder Malhi: I move that section 21 of the bill be struck out and the following substituted:

"21. Subsections 26(1), (1.1) and (2) of the act are repealed and the following substituted:

“Group contributions

“(1) No contribution to a political party, constituency association, nomination contestant, candidate or leadership contestant registered under this act shall be made through any trade union, unincorporated association or organization, except an affiliated political organization in accordance with subsection (3).

“Same

“(2) No political party, constituency association, nomination contestant, candidate or leadership contestant registered under this act shall accept a contribution made in contravention of subsection (1).”

The Chair (Mr. Grant Crack): Further discussion? Ms. Malhi.

Ms. Harinder Malhi: I recommend that we support this motion because it addresses the possible misconception that the group contributions provision in the bill could provide a loophole to allow for trade unions to make contributions, as was raised by a number of our stakeholders during the committee hearings. The provisions in this motion are in keeping with the purpose and the intent of bill, which includes eliminating the ability of corporations and trade unions to make political contributions.

The Chair (Mr. Grant Crack): Further discussion on PC motion number 42?

Mr. Lou Rinaldi: Chair, a recorded vote.

The Chair (Mr. Grant Crack): Mr. Rinaldi has requested a recorded vote.

Ayes

Fife, Hoggarth, Malhi, Mangat, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): I declare PC motion number 42 carried.

Mr. Lou Rinaldi: Chair—oh, sorry.

The Chair (Mr. Grant Crack): Yes, Mr. Rinaldi? Is there a question?

Mr. Lou Rinaldi: I would just like to withdraw a notice of intent.

The Chair (Mr. Grant Crack): Okay. Let me proceed, and if you'd like to make a comment on that, that would be fine.

So we have one amendment to section 21 that carried. Is there any discussion on section 21, as amended? Mr. Rinaldi.

Mr. Lou Rinaldi: I would like to withdraw the notice of intent to vote against section 21.

The Chair (Mr. Grant Crack): Further discussion on section 21, as amended? There being none, I shall call the vote. Shall section 21, as amended, carry? I declare section 21, as amended, carried.

We shall move to section 22. We have PC motion 43, which is an amendment to section 22, section 28 of the Election Finances Act. Ms. Hoggarth.

Ms. Ann Hoggarth: I move that section 28 of the Election Finances Act, as set out in section 22 of the bill, be amended by striking out “nomination contestant”.

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The Chair (Mr. Grant Crack): Further discussion on PC motion 43? Mr. Rinaldi?

Mr. Lou Rinaldi: I recommend voting against this motion. Removing reference to nomination contestants from the act is inconsistent with the government's commitment to strengthen the rules around election financing and level the playing field among political participants. Nomination contestants should be subject to the same kind of rules as other political contestants in our democratic process.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion 43. Those in favour of PC motion 43? Those opposed to PC motion 43? I declare PC motion 43 defeated.

There are no amendments to section 22 that carried—

Interjection: Carried.

The Chair (Mr. Grant Crack): No, I didn't ask the question yet. I appreciate your willingness to move forward. Any discussion on section 22? There being none, I shall call for the vote. Shall section 22 carry? I declare section 22 carried.

We'll move to section 23. We have PC motion 44, which is an amendment to section 23, subsections 29(1) to (1.2) of the Election Finances Act. Ms. Horwath.

Interjection.

The Chair (Mr. Grant Crack): Hoggarth. Sorry about that. I was daydreaming.

Ms. Ann Hoggarth: I move that subsections 29(1) to (1.2) of the Election Finances Act, as set out in section 23 of the bill, be amended by striking out “nomination contestant” and “nomination contestant or” wherever those expressions appear.

The Chair (Mr. Grant Crack): Further discussion on PC motion 44? Ms. Mangat.

Mrs. Amrit Mangat: Over 20 PC recommendations are focused on removing nomination races from the bill, whereas we believe Bill 201 seeks to create an even playing field by bringing nominations into the purview of the Election Finances Act. I recommend voting against it.

The Chair (Mr. Grant Crack): Further discussion on PC motion 44? There being none, I shall call for the vote. Those in favour of PC motion 44? Those opposed to PC motion 44? I declare PC motion 44 defeated.

There are no amendments to section 23. Any further discussion? There being none, I shall call for the vote. Shall section 23 carry? I declare section 23 carried.

There are no amendments to section 24. Any discussion on section 24? There being none, I shall call for the vote. Shall section 24 carry? I declare section 24 carried.

There are no amendments in section 25. Any discussion on section 25? There being none, I shall call for the vote. Shall section 25 carry? I declare section 25 carried.

We shall move to section 26. We have, in order, government motion 45, which passed earlier—it was carried.

We shall move to NDP motion number 46, which is an amendment to section 26, subsections 32.1(4) to (6) of the Election Finances Act. Ms. Fife.

Ms. Catherine Fife: I move that subsection 32.1(4) of the Election Finances Act, as set out in section 26 of the bill, be struck out and the following substituted:

“Review

“(4) On or before December 31, 2021, the Chief Electoral Officer shall,

“(a) conduct a review of this section; and

“(b) table a report in the Legislative Assembly making recommendations to the Speaker with respect to any amendments to this section that the Chief Electoral Officer considers advisable.

“Same, factors to consider

“(5) The Chief Electoral Officer shall include in the report required by subsection (4) an assessment of whether the quarterly allowances provided for in this section promote access to politics and fairness to independent candidates.

“Delegation

“(6) The Chief Electoral Officer may delegate in writing to any officer on his or her staff authority to exercise any power and perform any duty assigned to the Chief Electoral Officer for this section.”

The Chair (Mr. Grant Crack): Okay. Just on that last comment: It’s “to the Chief Electoral Officer by this section”.

Ms. Catherine Fife: Oh, sorry—“by this section”.

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife?

Ms. Catherine Fife: We heard from both the former federal electoral officer and the current electoral officer that on the per-vote subsidy there is a need to actually be cognizant of the impact that these changes in Bill 201 will have on us as politicians, on the electorate as future voters and on our democracy. We thought that putting a timeline into Bill 201 made a lot of sense.

Today has been a strange day. I hope that we can all agree on that. We did start off the day by fast-tracking amendment 45, which addressed the per-vote subsidy, increasing it through to 2020. This amendment would ask that we then do a review of how the per-vote subsidy is working.

The other game-changer today, though, is in the statement that was read earlier: At second reading, the Attorney General has said that they are going to review once again the per-vote subsidy, because of the significant changes that were proposed. As I said, this announcement sidelined the committee a little bit today, but I still think it’s prudent to go forward and to build in a review process.

It was interesting, because when the federal Chief Electoral Officer was questioned about the amount on the per-vote subsidy, he essentially said they just came up with this. In fact, he talked about having a conversation with politicians at that time, when the per-vote subsidy was introduced federally.

Of course, we all know that that per-vote subsidy declines over a four-year period. I asked about the rationale for that declining, and he said that there was no good rationale. He said that there was no clear reasoning around the actual number of the per-vote subsidy.

So there are a lot of questions around the per-vote subsidy. I think that if Ontario is to move forward and try to publicly fund parties, as was proposed earlier today, we’re in new territory. I think that we should be open to the fact that this policy may need to be reviewed as we move forward.

I will be interested to see at second reading what the per-vote subsidy will be if fundraising is to be banned, as was stated earlier. I think it’s all the more reason for this motion to be supported by the government side going forward.

The Chair (Mr. Grant Crack): Any discussion on NDP motion 46? Ms. Mangat.

Mrs. Amrit Mangat: I recommend voting against this motion, because the purpose of the provision that would be repealed by this motion is to require cabinet to make a decision about whether or not allowances should continue.

The provision that would be substituted by this motion removes this requirement and replaces it instead with a review by the CEO, which would result in recommendations to the Legislative Assembly. While there may be value in such a review, it would not negate the need for cabinet to review whether that allowance should continue.

The statutory requirement for a cabinet review of the provision should remain in the bill. It is critically important that the government of the day review the quarterly allowances after five years and make a determination about whether they should continue. Removing this requirement opens the door to simply permitting the allowance to continue in perpetuity.

The Chair (Mr. Grant Crack): Ms. Fife?

Ms. Catherine Fife: I am a little surprised by this, because even when the federal Chief Electoral Officer spoke, he said these decisions just happen at cabinet, and they happen behind closed doors. Our challenge is to be more open and transparent about this per-vote subsidy and to delegate it, for us, to an independent individual; that is, the Chief Electoral Officer. This makes a lot of

sense to us because it takes the politicians out of the equation about determining how much money we get, and I think that's a good thing. I think that would be received very well by the public.

1610

Also, the Chief Electoral Officer was clear: He would do a comparison. The goals, of course, are stated under section 5: We would ask the Chief Electoral Officer to include in this report that would come to the Speaker and then to the Legislature "an assessment of whether the quarterly allowances provided for in this section promote access to politics and fairness to independent candidates." Those are needed safeguards that we need to build into the legislation.

Who knows who's going to be in power in 2021? I don't want any party, I don't want any cabinet, deciding how much money political parties get; nor should any of us. If we take into account some of the delegations that came forward, they like the independence of the legislative officers. They like the fact that the Auditor General doesn't fall under any ministry or any cabinet overview; or the Integrity Commissioner. The importance of the independent electoral officers is that they're independent.

So having this review process and setting it up whereby an independent officer of the Legislature does the review and does the assessment as to whether or not this per-vote subsidy is promoting access to politics, if it is making a difference, is important.

The federal Chief Electoral Officer gave us a report—I've read it—and it did an assessment of the impact that those dollars were having on individual contributions to political parties. He did an assessment on how much money parties were getting. He did find that the independent parties, of course, were disadvantaged because there's an establishment at play.

I don't see why the government would not agree that having an independent assessment, an evaluation, of the per-vote subsidy makes perfect sense. It may not be a Liberal government in 2021. It shouldn't be any political party. No political party should be making this determination and doing this assessment. It should be the Chief Electoral Officer who's appointed to the province.

So I'd ask the government to reconsider this position because this is another confidence and another trust issue, I think.

The Chair (Mr. Grant Crack): Further discussion? Ms. Mangat.

Mrs. Amrit Mangat: Chair, I think that there's a statutory requirement for the cabinet—and the proposed motion would remove the requirement for Lieutenant Governor in council to review the quarterly allowance provisions of the act.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote.

Ms. Catherine Fife: Recorded vote, please.

The Chair (Mr. Grant Crack): There is a request for a recorded vote, which will be granted.

Ayes

Fife.

Nays

Hoggarth, Malhi, Mangat, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): I declare NDP motion 46 defeated.

In section 26, there was one amendment that carried earlier in the day. Is there any discussion on section 26, as amended? There being none, I shall call for the vote. Shall section 26, as amended, carry? I declare section 26, as amended, carried.

We shall move to section 27, which is PC motion 47, creating a new subsection, (0.1), section 33 of the Election Finances Act. Ms. Mangat.

Mrs. Amrit Mangat: I move that section 27 of the bill be amended by adding the following subsection:

"(0.1) The act is amended by adding the following heading immediately before subsection 33(1):

"Recording of Contributions"

Chair, I recommend voting against it because the goal of the bill is to ensure a fair and transparent electoral process that gives advice to all Ontarians. So I'm not supporting this.

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: I'm not really sure what the opposition is to renaming this act. The recording of contributions is part of the transparency piece and it's part of the accountability piece and it's part of the language that the government has been using around this issue. Maybe before your staffer tells you what to say—anyway, we are going to be supporting it. I think, for clarity's sake, it really indicates what we're trying to do here and follow the money.

The Chair (Mr. Grant Crack): Ms. Mangat.

Mrs. Amrit Mangat: Chair, the proposed motion is unnecessary, so I recommend not supporting this.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion number 47.

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote. Those in favour?

Ayes

Fife.

Nays

Hoggarth, Malhi, Mangat, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): I declare PC motion number 47 defeated.

There are no amendments to section 27. Any discussion on section 27? There being none, I shall call for the vote. Shall section 27 carry? I declare section 27 carried.

We shall move to section 28, which is government motion number 48, which is an amendment to section 28, subsections 34(2) and (3) of the Elections Finances Act. Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I move that section 28 of the bill be amended by striking out “subsection 34(2)” at the beginning and substituting “subsections 34(2) and (3)”.

The Chair (Mr. Grant Crack): Thank you very much, sir. Any discussion on government motion 48? Mr. Rinaldi.

Mr. Lou Rinaldi: Sure. I recommend voting for this motion because it is required to ensure that this section is not orphaned in the act—i.e., dependent on another provision that does not exist.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on government motion 48. Those in favour of government motion 48? Those opposed? I declare government motion 48 carried.

We shall move to PC motion number 49, which is an amendment to section 28, clause 34(2)(a) of the Elections Finances Act. Ms. Malhi.

Ms. Harinder Malhi: I move that clause 34(2)(a) of the Election Finances Act, as set out in section 28 of the bill, be amended by striking out “registered constituency association or registered nomination contestant” and substituting “or registered constituency association”.

The Chair (Mr. Grant Crack): Thank you. Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, the proposed motion seeks to extend nomination contestants from requirements to record contributions. If this motion were carried out, nomination contestants would not be subject to statutory requirements regarding contributions under the Election Finances Act. So, Chair, I recommend opposing this motion.

The Chair (Mr. Grant Crack): Thank you. Further discussion? There being none, I shall call for the vote on PC motion 49. Those in favour of PC motion 49? Those opposed to PC motion 49? I declare PC motion 49 defeated.

We shall move to PC motion number 50, which is an amendment creating new subsection 28(2), new subsection 34(2.1) of the Election Finances Act. Ms. Malhi.

Ms. Harinder Malhi: I move that section 28 of the bill be amended by adding the following subsection:

“(2) Section 34 of the act is amended by adding the following subsection:

“Contents of record

“(2.1) The record of the contribution shall include the information that the individual making the contribution has disclosed under subsection 16(2.1).”

The Chair (Mr. Grant Crack): Further discussion on PC motion 50? Mr. Rinaldi.

Mr. Lou Rinaldi: Thanks, Chair. I recommend voting against this motion because the proposed motion cannot

be adopted without the adoption of motion number 22 or motion 23. The proposed motions upon which this motion is contingent, in combination with the motion, may convince individuals to forgo participation in the democratic process and withhold their donations.

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The Chair (Mr. Grant Crack): Further discussion on PC motion 50? Ms. Fife.

Ms. Catherine Fife: So is this motion out of order?

The Chair (Mr. Grant Crack): I believe it's in order.

Ms. Catherine Fife: Oh, it's still in order?

The Chair (Mr. Grant Crack): Yes.

Ms. Catherine Fife: But the government side says—they're making the point that it's not. It still is?

The Chair (Mr. Grant Crack): It's in order, but that's perhaps why they are going to be taking a position later on it.

Ms. Catherine Fife: Okay. Thank you.

The Chair (Mr. Grant Crack): Further discussion on PC motion 50? There is none. I shall call for the vote on PC motion number 50. Those in favour? Those opposed? I declare PC motion number 50 defeated.

There is one amendment to section 28 that passed. Is there any discussion on section 28, as amended? There being none, I shall call for the vote. Shall section 28, as amended, carry? I declare section 28, as amended, carried.

We shall move to section 29. We have government motion number 51, creating new subsection 29(2), subsection 34.1(6) of the Election Finances Act. Ms. Vernile?

Ms. Daiene Vernile: I move that section 29 of the bill be amended by adding the following subsection:

“(2) Subsection 34.1(6) of the act is repealed.”

The Chair (Mr. Grant Crack): Further discussion?

Ms. Daiene Vernile: Chair, I recommend voting for this motion. This is a housekeeping amendment; it's going to remove a subsection that makes reference to another subsection that's no longer in the bill. So this is about assuring cohesion.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on government motion 51. Those in favour of government motion 51? I declare government motion 51 carried.

We shall move to PC motion number 52, which is an amendment creating a new subsection, 29(2), new subsection 34.1(3.1) of the Election Finances Act. Ms. Hoggarth?

Ms. Ann Hoggarth: I move that section 29 of the bill be amended by adding the following subsection:

“(2) Section 34.1 of the act is amended by adding the following subsection:

“Contents of report

“(3.1) The report shall contain the information that the individual making the contribution has disclosed under subsection 16(2.1), except for the mailing address of the individual, if any, which shall be replaced with his or her postal code.”

The Chair (Mr. Grant Crack): Further discussion? Ms. Vernile.

Ms. Daiene Vernile: I recommend voting against this motion because this proposed motion can't be adopted without the adoption of motions 22 or 23, which we defeated earlier today.

The Chair (Mr. Grant Crack): Further discussion on PC motion 52? There being none, I shall call for the vote. Those in favour of PC motion 52? Those opposed to PC motion 52? I declare PC motion 52 defeated.

We shall move to PC motion number 53, which is creating a new subsection 29(3), subsection 34.1(4) of the Election Finances Act. Ms. Fife?

Ms. Catherine Fife: I move that section 29 of the bill be amended by adding the following subsection:

“(3) Subsection 34.1(4) of the act is amended by striking out ‘10 days’ and substituting ‘two days’.”

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: We did hear a lot about the timing of disclosure. The requirement of real-time disclosure by the Chief Electoral Officer within two days of receiving notice is an important distinction. What's important is that this amendment does not require the parties to move faster, but it does require Elections Ontario to.

I think, actually, that the electoral officer was sincerely receptive to the idea of a faster turnover around disclosure. Given the fact that parties will be advertising in good time around events and there will be disclosure on that front, this amendment, I think, falls into line. So New Democrats will be supporting PC motion 53.

The Chair (Mr. Grant Crack): Further discussion? Ms. Hoggarth.

Ms. Ann Hoggarth: I recommend voting for this motion because increasing the frequency of real-time disclosure helps increase transparency in our electoral financing system. The committee should seek the opinion of the Chief Electoral Officer on the operational feasibility of this motion. Through review of a written opinion, the committee could determine a course of action that would not place an undue burden on Elections Ontario.

Also, we recognize the importance of real-time disclosure. While we support the motion in principle, there may be some concerns about the feasibility or the shorter turnaround time. We look forward to hearing from the Chief Electoral Officer on whether he believes this new timeline could be operationalized.

The Chair (Mr. Grant Crack): Further discussion on PC motion 53? There being none, I shall call for the vote on PC motion 53. Those in favour of PC motion 53? I declare PC motion 53 carried.

Ms. Catherine Fife: I'd just like to say that I'm sure our Conservative counterparts would be very pleased by that.

The Chair (Mr. Grant Crack): There were two amendments to section 29. Is there any discussion on section 29, as amended? There being none, I shall call for

the vote. Shall section 29, as amended, carry? I declare section 29, as amended, carried.

I'd just like to point out that we've just passed the halfway point in the number of amendments. Congratulations on the work that everyone is doing.

We will move to NDP motion number 54, which is an amendment to create new subsection 29.1, new section 34.2 of the Election Finances Act. Now, this one was connected to the motion 16 that we stood down earlier, so we will deal with this. Ms. Fife, if you'd be so kind as to read that into the record.

Ms. Catherine Fife: Thank you, Chair. I hope that you did not jinx this process by saying that.

I move that the bill be amended by adding the following section:

“29.1 The act is amended by adding the following section:

““Disclosure of contribution—candidates, constituency associations, nomination contestants

““34.2(1) Subsection (2) applies in respect of a single contribution in excess of \$100 and contributions from a single source that in the aggregate exceed \$100.

““Disclosure

““(2) A contribution shall be disclosed in accordance with subsection (3) if it is accepted,

““(a) on behalf of a candidate;

““(b) on behalf of a constituency association; or

““(c) on behalf of a nomination contestant

““Report to Chief Electoral Officer

““(3) Within 10 days after the contribution is deposited in accordance with subsection 16(3), the chief financial officer of the candidate, constituency association or nomination contestant, as the case may be, shall file with the Chief Electoral Officer a report about the contribution.

““Publication on website

““(4) Within 10 days after the report is filed, the Chief Electoral Officer shall ensure that the report or the information it contains is published on a website on the Internet in accordance with clause 2(1)(j.2).

““Counting days

““(5) For the purposes of subsections (3) and (4), Saturdays, Sundays and days that are public holidays as defined in the Employment Standards Act, 2000 shall not be counted.”

The Chair (Mr. Grant Crack): Further discussion, Ms. Fife?

Ms. Catherine Fife: The intention of this amendment is to create some greater transparency and to shift, really, the collective knowledge around the duty to report to everyone—to candidates, to constituency associations and also to nomination contestants, because we see them as part of this process, obviously, as well. We've built some leniency into it as far as Saturdays, Sundays and some standard vacation days, and I'm hopeful that the government will support it.

The Chair (Mr. Grant Crack): Further discussion? Ms. Hoggarth.

Ms. Ann Hoggarth: We recognize the importance of real-time disclosure, but the statutory requirements

around it must be practical and feasible. By expanding real-time disclosure and placing a burden on volunteer CFOs, we are concerned that it will act to limit the people who would be willing to be CFOs, which will disproportionately hurt smaller volunteer grassroots riding associations. It would establish onerous requirements for real-time disclosure on volunteers in election campaigns who are unlikely to have the capacity to meet the proposed deadlines. So I'm recommending voting against this motion.

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The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call the vote on NDP motion 54.

Ms. Catherine Fife: Recorded vote, please.

The Chair (Mr. Grant Crack): There is a request for a recorded vote, which will be entertained.

Ayes

Fife.

Nays

Hoggarth, Malhi, Mangat, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): I declare NDP motion 54 defeated.

As a result of this motion being lost, number 16 that we had stood down is now out of order. With the committee's approval, we will go back to number 16, which is in section 2, if you approve, so that we can deal with section 2 in its entirety, which is not amended.

Just to clarify, if we go back, NDP motion 16 is now out of order due to 54 being defeated. However, we'll go back to section 2. There were no amendments to section 2. Is that clear? Is there any discussion on section 2? There being none, I shall call for the vote. Shall section 2 carry? I declare section 2 carried.

Now we shall move on to section 30, which is PC motion number 55, which is an amendment to subsection 30(1), subsection 35(1) of the Elections Finances Act. Ms. Hoggarth.

Ms. Ann Hoggarth: I move that subsection 30(1) of the bill be struck out.

The Chair (Mr. Grant Crack): Further discussion on PC motion 55? Ms. Malhi.

Ms. Harinder Malhi: I recommend voting against this motion because removing references to nomination contestants from the act is inconsistent with the government's commitment to strengthen the rules around election financing and to levelling the playing field among political actors. Nomination contestants should be subject to the same kind of rules as other political actors in our democratic process.

The Chair (Mr. Grant Crack): Further discussion on PC motion 55? There being none, I shall call for the vote. Those in favour of PC motion 55? Those opposed? I declare PC motion 55 defeated.

We shall move to PC motion number 56, which is an amendment to subsection 30(2), subsections 35(3), (4), (5) and (6.1) of the Elections Finances Act. Ms. Mangat.

Mrs. Amrit Mangat: I move that subsections 35(3), (4), (5) and (6.1) of the Election Finances Act, as set out in subsection 30(2) of the bill, be amended by striking out "nomination contestant" wherever that expression appears.

The Chair (Mr. Grant Crack): Any discussion on PC motion 56? Ms. Malhi.

Ms. Harinder Malhi: I recommend voting against this motion because removing references to nomination contestants from the act is inconsistent with the government's commitment to strengthen the rules around election financing and to level the playing field for all political actors. Nomination contestants should be treated like all other political actors in our democratic process.

The Chair (Mr. Grant Crack): Further discussion on PC motion 56? There being none, I shall call the vote. Those in favour of PC motion 56? Those opposed to PC motion 56? I declare PC motion 56 defeated.

We shall move to PC motion number 57, which is an amendment to subsection 30(3), subsection 35(8) of the Election Finances Act. Ms. Fife.

Ms. Catherine Fife: I move that subsection 35(8) of the Election Finances Act, as set out in subsection 30(3) of the bill, be struck out and the following substituted:

"Maximum amount of guarantee

"(8) A payment made by a guarantor in respect of a guarantee for a loan described in subsection (6.1) and collateral security provided by a guarantor in respect of such a loan are not contributions for the purposes of this act, but no guarantor shall make such a guarantee or provide such collateral security if the amount of the loan exceeds four times the maximum amount that the person is entitled to make as a contribution under this act."

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: I would just say that loan guarantees are not considered contributions, although loan guarantees cannot exceed four times the amount of maximum allowable contributions, and that this is a very transparent process. So, had the PCs been here, we would have supported their motion.

The Chair (Mr. Grant Crack): Further discussion? Ms. Mangat.

Mrs. Amrit Mangat: I recommend voting against this motion because the proposed motion is not consistent with the government's commitment to restrict contribution limits.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call—

Mr. Lou Rinaldi: Recorded vote.

The Chair (Mr. Grant Crack): I shall call for the vote on PC motion 57. It will be a recorded vote, as requested.

Ayes

Fife.

Nays

Hoggarth, Malhi, Mangat, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): I declare PC motion 57 defeated.

We shall move to PC motion number 58, which is an amendment to subsection 30(3), subsection 35(9) of the Election Finances Act. Ms. Mangat?

Mrs. Amrit Mangat: I move that subsection 35(9) of the Election Finances Act, as set out in subsection 30(3) of the bill, be amended by,

(a) striking out “nomination contestant” in the portion before clause (a); and

(b) striking out clause (a).

The Chair (Mr. Grant Crack): Further discussion on PC motion 58?

Mrs. Amrit Mangat: I recommend voting against this motion because nomination contestants should be subject to the same kind of rules as other critical actors in our democratic process. Regarding nominations, the Chief Electoral Officer said, “The greater [the] transparency, the better for all Ontarians.”

The Chair (Mr. Grant Crack): Further discussion on PC motion number 58? There being none, I shall call for the vote.

Mr. Lou Rinaldi: Recorded vote, please.

The Chair (Mr. Grant Crack): There’s a request, which will be granted, for a recorded vote.

Nays

Fife, Hoggarth, Malhi, Mangat, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): I declare PC motion number 58 defeated.

There are no amendments to section 30. Is there any discussion on section 30? There being none, I shall call for the vote. Shall section 30 carry? I declare section 30 carried.

Mr. Lou Rinaldi: Chair?

The Chair (Mr. Grant Crack): Mr. Rinaldi.

Mr. Lou Rinaldi: I know we’re on a roll, but I’m wondering if we can get a 15-minute recess.

The Chair (Mr. Grant Crack): Fifteen?

Mrs. Amrit Mangat: Yes. It would be really nice.

The Chair (Mr. Grant Crack): Wow. Do we have the consensus of the committee for a 15-minute recess?

Mrs. Amrit Mangat: Yes, we do.

The Chair (Mr. Grant Crack): I hear no opposition. This committee meeting is recessed for 15 minutes, starting now.

The committee recessed from 1638 to 1655.

The Chair (Mr. Grant Crack): Well, good afternoon, everyone. I hope everyone has had a good health break. We will resume, so I call the meeting back to order.

We are on section 31. There are no amendments to section 31. Any discussion? There being none, I shall call

for the vote. Shall section 31 carry? I declare section 31 carried.

We will now move to NDP motion number 59, which is creating a new section, 31.1, new section 37.0.1 of the Election Finances Act. Ms. Fife.

Ms. Catherine Fife: I move that the bill be amended by adding the following section:

“31.1 The act is amended by adding the following section:

““Restriction on government advertising

““37.0.1(1) During the following periods, a government office within the meaning of the Government Advertising Act, 2004 shall not publish, display or broadcast an advertisement, distribute printed matter to Ontario households, or convey a message to the public, about the government office’s programs or activities:

““1. In the case of an election that is held under subsection 9(2) of the Election Act, the period beginning 90 days before election day and ending on election day.

““2. In any other case, the period beginning on the day the writ for the election is issued and ending on election day.

““Exceptions

““(2) Subsection (1) does not apply with respect to advertisements, printed matter or messages,

““(a) that are required by law;

““(b) that are required during the relevant period,

““(i) because they relate to important matters of public health or safety, or

““(ii) to solicit proposals or tenders for contracts or applications for employment;

““(c) that are in continuation of earlier advertisements or messages and that are required during the relevant period for the ongoing programs of the government office; or

““(d) that, during the campaign period for a by-election,

““(i) are in continuation of earlier advertisements or messages and that are required during the relevant period for the ongoing programs of the government office, or

““(ii) deal with a matter before the assembly during the relevant period, such as the speech from the throne, the budget, the introduction or passage of a bill or an order or resolution of the assembly.””

The Chair (Mr. Grant Crack): Further discussion, Ms. Fife?

Ms. Catherine Fife: During the summer and during the delegations that came before us, there was a consistent theme around government advertising. The concern, of course, was that issue-based advocacy groups were going to have their ability to weigh in on platforms and on, potentially, budgets and on issues that they felt strongly about—that those voices would be limited and restricted. But at the same time, you have the government, who has the ability to use their advantage, being the government, and use their ability to advertise at will, really.

I think one of the most powerful voices to come in and speak to this committee was the Auditor General. From

her presentation, she said this: "In my view, these significant changes weakened the Government Advertising Act so much that my oversight can no longer ensure that government ads are prevented from promoting partisan interests." She was very clear when she came and said that.

She said that she outlined this position in a special report tabled in the Legislature in May 2015 and advised the Legislature that her office "may be put in a position where we are required to approve a government ad because it conforms to the narrow requirements of the amended GAA, even though it could be partisan by any objective, reasonable standard." She said that she "outlined how the amendments would fundamentally and significantly alter" her office's "role in reviewing advertising and how this new role would be of little value to the taxpayers bearing the costs of the government advertising."

Finally, she says, "The amendments to the GAA were put into force on June 16, 2015. As a direct result, the government has much more latitude to run ads that the amended GAA would define as non-partisan but that could be considered partisan by any reasonable measure."

1700

She went on to give us several examples of this: everything from pensions to climate change to infrastructure and to health advertisements that are running. In fact, there's an ad right now being advertised in the province of Ontario around the federal CPP modernization. The provincial government and the provincial taxpayers are paying for that ad.

I think it was really powerful for the Auditor General to say to this committee that the standard by which she has to make this decision is around compliance with the Government Advertising Act, and that act, by her own determination and by the report that she tabled with the Legislature, weakens her role and her oversight and her ability to protect the taxpayers from an abuse of power by the government to advertise at will.

We introduced the 90-day election blackout on government advertising. This is based on the Manitoba model. It has worked very well in Manitoba. I know the government has come up with their own number. I think that we don't need to reinvent the wheel here with regard to creating a blackout period where the government could be seen as trying to influence electoral issues and creating a very favourable impression of the governing party, whoever that governing party is.

So we have introduced this amendment 59, and I look forward to hearing the debate on establishing a 90-day election blackout on government advertising.

The Chair (Mr. Grant Crack): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, the proposed motion will add provisions limiting government advertising during the 90 days prior to election day into the Election Finances Act. These provisions are similar to the existing ones in the Government Advertising Act, although they

will apply for 90 days prior to the election day, rather than during the writ period only.

There is a government motion, number 80, that effectively makes the same change—i.e., extending limitation on government advertising for an additional 60 days prior to the drop of the writ—although the government motion makes the change in the Government Advertising Act, which is the appropriate vehicle, rather than the Election Finances Act.

So, Chair, I would recommend voting against this motion because there's a government motion that, as I mentioned a minute ago, would have the same effect, but would work to make the changes in the Government Advertising Act, which is the appropriate statute for these provisions.

Chair, we agree that it is important to extend the existing restriction on government advertising for 60 days before the drop of the writ. The proper way to make this change, again, is to amend the Government Advertising Act, rather than adding new provisions on the Election Finances Act.

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: I want to continue on because, based on that rationale, then the 90-day election blackout period should be perfectly acceptable to the government side of the House.

When the Auditor General says—well, I'll just read exactly from her delegation. She echoed the concerns of Ontario's Chief Electoral Officer when he asked, in his committee presentation, for a clear direction about whether or not government-sponsored advertising would now fully be covered by Bill 201. He said he was concerned about how this rule would apply in practice, and this was a concern that was also shared by the Auditor General.

She pulls in the third-party political advertising by saying, "Bill 201 proposes to limit third-party political advertising spending to \$100,000 during the election campaign period and to \$600,000 in the six months prior to a scheduled election. Bill 201 does not address whether there would be any limitations on government advertising in that same period." So this was a six-month period of time.

It is true that the Government Advertising Act is a deeply flawed piece of legislation, which the Auditor General has—she said that essentially her role in this process is a "joke." It's a matter of Hansard. She has no latitude or authority, even, to truly determine what is a partisan government ad. She can only say that an ad is either compliant with a flawed piece of legislation or non-compliant with that. And there is a dangerous precedent: There has been an increase in government advertising over the years, which is of great concern to us, but it was also very concerning to delegations that came forward.

The rationale that has been put forward truly makes no sense. To create a 90-day blackout period would signal, at least, that there's an acknowledgement on the govern-

ment side of the House that their ability to advertise an ORPP or a CPP or infrastructure investments that are going to take place over a 12-year period of time but make it look like it's being done right now—this, for us, is an abuse of power.

I think that if you want to instill some trust back in this process, you have to be very clear about what is acceptable. We've actually mirrored some of the language from the Manitoba legislation, where it's perfectly acceptable for governments to advertise around important matters of public health or safety, to solicit proposals or tenders for contracts or applications for employment, but there has to be a guideline here which ensures that the government cannot use their advantage 90 days before an election period of time.

We have issues with it right now; don't get me wrong. Every time I see the government advertising the modernization of the CPP, I wonder how much that's costing us, because it did cost almost \$70 million around the ORPP, and that had a 50-50 chance of coming to fruition, by the Premier's own admission.

So there has to be a better rationale to vote down the 90-day blackout period of time.

The Chair (Mr. Grant Crack): Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, we're not disagreeing on this blackout, as I mentioned before. We're just saying that this should be addressed by the appropriate act: through the advertisement act instead of Election Finances Act.

When we talk about the Auditor General's purview over advertising, yes, there were some changes made, but we've also expanded. Now she has got a say in digital advertising, which she never had before, as well.

So I think we agree; we just don't believe it should be in the Election Finances Act.

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: I think we disagree on the value of the Government Advertising Act. You think that it's a strong piece of legislation. The Auditor General essentially says that it's a joke that she has so little oversight to determine what is partisan and what is not.

She goes on in her presentation, though, to say that "if the intention of Bill 201 is to level the playing field, the influence of government advertising must be considered." That is why we've put this amendment in here. You can't separate the two. This is first reading of Bill 201. This is the opportunity for us to actually strengthen it and to, in our view, right a wrong.

She goes on to say, "There is an advantage to the governing party if it is able to advertise on any issue at any time prior to an election, and at any cost, in the guise of government advertising, especially now that the 2015 changes to the Government Advertising Act allow partisan ads to be deemed non-partisan in nature." That's a very strong statement from an independent officer of this Legislature.

These concerns were echoed throughout the summer, really, by everyone from issue-based advocacy groups to unions to independent citizens who have no affiliation

with a union or a corporation or even a business. So the perception here is that the government has the upper hand and they can use that hand prior to an election. What we want to do is to create at least a 90-day period of time where that advantage can't come into play prior to an election. I don't think it's actually too much to ask for this process.

1710

The Chair (Mr. Grant Crack): Mr. Rinaldi?

Mr. Lou Rinaldi: Chair, just a quick comment. I know we shouldn't have taken a break, obviously. It didn't do us that much good.

Having said that, I think when it comes to the advertising act—and, you know, Ms. Fife points out the deficiencies and all that. That's their prerogative. But I think we have to recognize that Ontario is the only jurisdiction in Canada, province-wide—I know the feds are looking into something right now—that has some limitation on advertising. Do we need to do a better job? Well, we need to do that through the advertising act. All I'm saying is that we still are, I believe, the only province that has some type of regulatory regime in place.

The Chair (Mr. Grant Crack): Ms. Fife?

Ms. Catherine Fife: I would challenge that. These are not my words; these are the Auditor General's words. This is directly from Hansard.

She goes on to say, "If Bill 201 is passed as is and not changed, the governing party, through its use of taxpayer-funded advertising prior to an election, might very well have a political advantage, especially since political parties and third parties will be much more limited in their spending during the same time." Therefore, it was her recommendation that the previous version of the Government Advertising Act, that of 2004—that is the piece of legislation which was a true game-changer. The Government Advertising Act of 2015 is a watered-down version of that and cannot be held to the same test as the previous act of 2004.

I think we have to be really cognizant of it. We were charged with looking at this legislation through the lens of the elector. We were supposed to put the elector at the centre. But if you consider how warped this process has been around government advertising—in her delegation and in her presentation, she gave four or five specific examples where she would have already ruled these ads out of order and told the government that they weren't allowed. On the ORPP, for instance, she says that these TV ads left the impression that the ORPP will close the retirement savings gap rather than just help shrink it. Climate change: These digital ads about cap-and-trade conveyed the sense that the program was already in place and left the impression that the industry would be financing the program. I mean, that is deceptive. It's a deceptive ad. She would have indicated to the government that this was unacceptable. Investments in infrastructure: The ads are on the TV all the time. People listen to them as they sit in traffic. The TV advertisement focused on the government's nearly \$160-billion investment in infrastructure. As this investment will

occur over the next 12 years, there could be at least three provincial elections that could alter these plans, as well as a number of other unanticipated economic developments.

I presented some evidence that says that the Government Advertising Act as it's currently defined from 2015 has the potential, because it is so weak and because it is so flawed, of giving the government an advantage. Those concerns are shared by the Auditor General of Ontario, an independent officer of the Legislature. This is why we have crafted this amendment to at least create those 90 days where there is an election blackout on government advertising, with the exceptions that I've already indicated. This is not an excessive ask of the government at all, so I'm asking for your support.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote.

Ms. Catherine Fife: Recorded vote, please.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote on NDP motion number 59.

Ayes

Fife.

Nays

Hoggarth, Malhi, Mangat, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): I declare NDP motion number 59 defeated.

We shall move to government motion number 60, which is an amendment creating new section 31.1, new section 37.0.1 of the Election Finances Act. Mr. Rinaldi.

Mr. Lou Rinaldi: I move that the bill be amended by adding the following section:

“31.1 The act is amended by adding the following section:

““Considerations re political advertising

““37.0.1 In determining whether an advertisement is a political advertisement, the Chief Electoral Officer shall consider, in addition to any other relevant factors,

““(a) whether it is reasonable to conclude that the advertising was specifically planned to coincide with the period referred to in section 37.10.1;

““(b) whether the formatting or branding of the advertisement is similar to a registered political party's or registered candidate's formatting or branding or election material;

““(c) whether the advertising makes reference to the election, election day, voting day, or similar terms;

““(d) whether the advertisement makes reference to a registered political party or registered candidate either directly or indirectly;

““(e) whether there is a material increase in the normal volume of advertising conducted by the person, organization, or entity;

““(f) whether the advertising has historically occurred during the relevant time of the year;

““(g) whether the advertising is consistent with previous advertising conducted by the person, organization, or entity;

““(h) whether the advertising is within the normal parameters of promotion of a specific program or activity; and

““(i) whether the content of the advertisement is similar to the political advertising of a party, constituency association, nomination contestant, candidate or leadership contestant registered under this act.””

The Chair (Mr. Grant Crack): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Yes. Chair, I propose supporting this motion. It provides a reference to both the Chief Electoral Officer and other political actors to clarify what was meant by political advertising. This will result in less uncertainty and potentially fewer disputes about what constitutes political advertising.

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: We will not be supporting this amendment. It does require a very subjective opinion from the Chief Electoral Officer and, once again, it potentially puts a limit on issue-based advertising. On election day, for instance, think about this: An autism parental group, for instance, could come out with an advertisement thinking about where the money is going for autism therapy, thinking about where it didn't go. I think about some of the voices that we heard during the summer. One of them was Sara Labelle. She said, “For me, there's a clear difference between a community that is rallying to save its local hospital or services when the government threatens to close it versus a group of companies—or unions, for that matter—running a series of ads that are telling you how to vote in an upcoming election.”

That's the fundamental difference that we see, and of course this does not apply to government advertising. It does not level the playing field. It does not create equality in the perception of voices that are weighing in on the election. It's indicative of a larger issue which I think is going to come up with motion 61. So we will not be supporting this motion.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for a vote on government motion number 60.

Ms. Catherine Fife: Recorded vote, please.

The Chair (Mr. Grant Crack): There is a request for a recorded vote, which will be entertained.

Ayes

Hoggarth, Malhi, Mangat, Rinaldi, Vernile.

Nays

Fife.

The Chair (Mr. Grant Crack): I declare government motion number 60 carried.

We shall move to government motion number 61, which is the creation of a new section, 31.2, new section 37.0.2 of the Election Finances Act. Ms. Vernile.

1720

Ms. Daiene Vernile: I move that the bill be amended by adding the following section:

“31.2 The act is amended by adding the following section:

“Non-application re government advertising

“37.0.2 For greater certainty,

““(a) nothing in this act affects government advertising by the government of Canada, the government of Ontario, the government of another province or territory of Canada, or the government of a municipality, or by any part of such a government;

““(b) no government or part of a government mentioned in clause (a) is a third party for the purposes of this act.””

The Chair (Mr. Grant Crack): Further discussion on government motion number 61? Ms. Vernile.

Ms. Daiene Vernile: Chair, I recommend voting in favour of this motion because governments do have an ongoing duty to communicate with citizens on a whole range of issues, including their public health, emergency preparedness, access to identification documents such as your health card and birth certificates, and public education on civic responsibility, such as, “It’s time to pay your taxes.” These obligations do continue even during an election campaign.

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: We will not be supporting this amendment. This amendment is exactly the concern that was raised by delegations across the province who were actually pushing for greater limits on government advertising during elections and pre-writ. You’re exempting the government from having to be fair during an election period time.

Bill 201 proposes to redefine political advertising to include not only ads that support or oppose candidates or parties, but also advertising about an issue that is associated with a candidate or a party. The Chief Electoral Officer said that that’s a line in the sand that is constantly moving. Yet for the purposes of this government, you’re removing the government’s responsibility in that regard.

That’s how we see this amendment: “For greater certainty, political advertising does not affect governments.” This is exactly what we’ve been concerned about, and this is why we will not be supporting this motion.

The Chair (Mr. Grant Crack): Ms. Vernile.

Ms. Daiene Vernile: Just to stress it again, this level of communication is about stressing public safety and security issues. A government does have an obligation to do that: to inform and to warn its citizens on these important matters. These are not political issues; these are non-partisan messages that keep society safe and well.

The Chair (Mr. Grant Crack): Ms. Fife.

Ms. Catherine Fife: I think what the government side of the House is asking is, “Just trust us,” but I just gave you four examples of government advertising that are

compliant with the Government Advertising Act which, by the auditor’s examples that she shared with us, would be ruled out of order. The government should not have the power to advertise on these specific issues—infrastructure, the ORPP—because the messaging is slanted. In the previous motion, I also introduced those same exemptions around health and safety, or contracts or economic prosperity.

It is so frustrating, I think, for Ontarians to be sitting in a waiting room for five, six or seven hours, and an advertisement comes on telling them that wait times have been greatly reduced. Not only are they frustrated, but they’re paying for that ad. So I really think that this committee has to take a second look at the Government Advertising Act and ensure that there is—if you’re really serious about the level playing field, then the government has to be included as a player. That was the recommendation of the Auditor General as well.

The government is a player in an election. The governing party, as in the language that you’ve been using, is an actor in the political arena. Three months prior to an election, six months prior to the election—we’re in election mode right now, based on the advertisements that I’m seeing across the province.

This motion that the government has brought forward articulates exactly the concerns of delegations that came to us with all summer long.

The Chair (Mr. Grant Crack): Further discussion? Ms. Vernile.

Ms. Daiene Vernile: It would be really irresponsible for a government to remain mute on an important issue such as public health if it had to warn its citizens on a particular matter, and that’s why it’s important for us to have this motion.

The Chair (Mr. Grant Crack): Ms. Fife.

Ms. Catherine Fife: It’s very clear that the government side is not listening. The previous motion said that the exceptions to this with respect to government advertising would include important matters of public health or safety, or to solicit proposals or tenders for contracts or applications for employees. We are not asking for the government to go mute, although I have days where I might say that it would be really, really good. I would say that it would be irresponsible to do that. What is not irresponsible is ensuring that the government is recognized as a political player and actor in this arena, and they should not have the advantage of government advertising at their disposal.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call the vote on government motion number 61.

Ms. Catherine Fife: Recorded vote, please.

The Chair (Mr. Grant Crack): There is a request for a recorded vote, which will be entertained.

Ayes

Hoggarth, Malhi, Mangat, Rinaldi, Vernile.

Nays

Fife.

The Chair (Mr. Grant Crack): I declare government motion number 61 carried.

We shall move to section 32. We have a PC motion number 62 creating a new subsection 32(3), new subsection 37.1(2) of the Election Finances Act. Ms. Hoggarth.

Ms. Ann Hoggarth: I move that section 32 of the bill be amended by adding the following subsection:

“(3) Section 37.1 of the act is amended by adding the following subsection:

“‘Interpretation

“(2) For the purposes of this section and sections 37.2 to 37.13, a person is at arm’s length from a registered candidate, registered constituency association or registered party if the person,

“(a) is not and, at no time during the previous 12 months, has been an employee of a registered candidate, registered constituency association, registered party or member of the assembly or a person who provides services relating to the business of a registered candidate, registered constituency association, registered party or member of the assembly; and

“(b) is not a member of the assembly, a registered candidate or the spouse, sibling or family member within one degree of consanguinity of a member of the assembly or a registered candidate.”

The Chair (Mr. Grant Crack): Thank you very much. Just for clarification for Hansard, under (2)(a), first line, after “previous 12 months,” I believe it was on record as “has been an employee.” I believe you mean to say “has not been an employee.”

Ms. Ann Hoggarth: Okay, yes.

The Chair (Mr. Grant Crack): Thank you very much. I will correct that: “has not been an employee of a registered candidate.”

Further discussion? Ms. Vernile.

Ms. Daiene Vernile: Chair, I recommend voting against this motion. The provisions that were proposed in motion number 38, which passed earlier, address similar issues around the coordination between third-party advertisers and political players, so this particular motion is redundant and unnecessary.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion number 62. Those in favour of PC motion 62? Those opposed to PC motion 62? I declare PC motion 62 defeated.

There are no amendments to section 32. Is there any discussion on section 32? There being none, I shall call for the vote. Shall section 32 carry? Section 32 is carried.

We shall move to section 33. There are no amendments. Any discussion? There being none, I shall call for the vote. Shall section 33 carry? I declare section 33 carried.

We shall move to section 34. There are no amendments. Any discussion on section 34? There being none, I shall call the vote. Shall section 34 carry? I declare section 34 carried.

We shall move to section 35 with PC motion number 63, which is proposing a new subsection 35(1.1), new clause (f.1), subsection 35.5(2) of the Election Finances Act. Ms. Mangat.

1730

Mrs. Amrit Mangat: I move that section 35 of the bill be amended by adding the following subsection:

“(1.1) Subsection 37.5(2) of the act is amended by adding the following clause:

“(f.1) a signed declaration from each of the principal officers of the third party that,

“(i) they and the third party are at arm’s length from any registered candidate, registered constituency association or registered party, and

“(ii) they will ensure that the third party does not use the services of any person or entity that is not at arm’s length from any registered candidate, registered constituency association or registered party;”

The Chair (Mr. Grant Crack): Further discussion on PC motion number 63? Ms. Mangat.

Mrs. Amrit Mangat: Chair, I recommend voting against this motion because the provisions proposed in government motion number 38 address similar issues around coordination between third-party advertisers and political actors.

The Chair (Mr. Grant Crack): Further discussion on PC motion number 63? There being none, I shall call for the vote on PC motion 63. Those in favour of PC motion 63? Those opposed? I declare PC motion 63 defeated.

There are no amendments to section 35. Any discussion on section 35? There being none, I shall call the vote. Shall section 35 carry? I declare section 35 carried.

We shall move to PC motion number 64, which is on section 35, creating new subsections 35(3.1) and (3.2), subsections 37.5(8) and (9) of the Election Finances Act. Ms. Mangat.

Mrs. Amrit Mangat: I move that section 35 of the bill be amended by adding the following subsections:

“(3.1) Subsection 37.5(8) of the act is repealed and the following substituted:

“(Application rejected

“(8) A third party may not be registered if, in the opinion of the Chief Electoral Officer,

“(a) the resemblance between its name or the abbreviation of its name and a name, abbreviation or nickname referred to in subsection (9) is so close that confusion is likely; or

“(b) the third party or any of its principal officers are not at arm’s length from a registered candidate, registered constituency association or registered party.”

“(3.2) Subsection 37.5(9) of the act is amended by striking out ‘Subsection (8)’ in the portion before clause (a) and substituting ‘Clause (8)(a)’.”

The Chair (Mr. Grant Crack): Further discussion? Ms. Mangat.

Mrs. Amrit Mangat: Chair, I recommend voting against this motion because the provisions proposed in government motion number 38 already address similar issues around coordination between third-party advertisers and political players.

The Chair (Mr. Grant Crack): Further discussion on PC motion number 64? There being none, I shall call the vote on PC motion 64. Those in favour? Those opposed? I declare PC motion 64 defeated.

There are no amendments to section 36. Any discussion on section 36? There being none, I shall call the vote. Shall section 36 carry? I declare section 36 carried.

We shall move to section 37 with PC motion 65, which is a proposal to add new subsection 37(2), subsection 37.7(3) of the Election Finances Act. Ms. Malhi.

Ms. Harinder Malhi: I move that section 37 of the bill be amended by adding the following subsection:

“(2) Paragraph 5 of subsection 37.7(3) of the act is amended by adding ‘or of another registered third party’ at the end.”

The Chair (Mr. Grant Crack): Further discussion on PC motion 65? Ms. Malhi.

Ms. Harinder Malhi: I recommend voting for this motion because the proposed amendment brings auditors and CFOs of third parties in line with the auditors and CFOs of parties and their entities.

The motion appears to have an unintended consequence of limiting the ability of a firm to act for multiple third parties even if the third parties use different auditors and the auditors did not communicate with each other. We will look to bring forward an amendment at second reading in order to address this issue.

The Chair (Mr. Grant Crack): Ms. Fife?

Ms. Catherine Fife: We will not be supporting amendment 65. We feel that it's too broad. Not all auditors specialize in campaign financing, and it's arguable that accountants already have provisions regarding collusion anyway. So we will be opposing this motion.

The Chair (Mr. Grant Crack): Further discussion on PC motion 65? There being none, I shall call the vote. Those in favour of PC motion 65? Those opposed to PC motion 65? I declare PC motion 65 carried.

There is one amendment to section 37, which was the amendment just carried. Any discussion on section 37, as amended? There being none, I shall call the vote. Shall section 37, as amended, carry? I declare section 37, as amended, carried.

We shall move to PC motion number 66, which is a proposal to create a new section, 37.1, section 37.8 of the Election Finances Act. Ms. Fife?

Ms. Catherine Fife: I move that the bill be amended by adding the following section:

“37.1 Section 37.8 of the act is amended by adding the following subsections:

“Change of name in register

“(2) If a registered third party wishes to change its name, it shall notify the Chief Electoral Officer in writing of the proposed change and, unless the Chief Electoral Officer determines that the proposed change is so

significant as to constitute an entirely new name or abbreviation, the Chief Electoral Officer shall, subject to subsection 37.5(8), amend the register to show the change.

“Change of other information in register

“(3) If the information described in clauses 37.5(2)(c) to (h) changes, the registered third party shall notify the Chief Electoral Officer in writing within 30 days of the change and, upon receiving the notice, the Chief Electoral Officer shall amend the register to show the change.

“Request for deregistration

“(4) The Chief Electoral Officer shall deregister a registered third party at the request in writing of the party.

“Deregistration for non-compliance

“(5) The Chief Electoral Officer,

“(a) may deregister a registered third party that fails to notify the Chief Electoral Officer of changes under subsection (2) or (3); and

“(b) shall deregister a registered third party if,

“(i) the third party or any of its principal officers cease to be at arm's length from a registered candidate, registered constituency association or registered party,

“(ii) the chief financial officer of the third party fails to comply with section 41 or 42.

“Notice of proposal to deregister

“(6) If the Chief Electoral Officer proposes to deregister a third party under subsection (5), he or she shall send notice of the proposal, with written reasons, to the registered third party by mail.

“Request for review

“(7) A registered third party that receives notice under subsection (6) may, within 60 days after the notice is sent, make a written request to the Chief Electoral Officer to review the proposal.

“Making representations

“(8) On receiving the request, the Chief Electoral Officer shall review the proposal and give the registered third party an opportunity to make representations to the Chief Electoral Officer.

“Decision

“(9) After the review, the Chief Electoral Officer may decide to withdraw the proposal or to carry it out, and shall give written notice of the decision to the registered third party.”

The Chair (Mr. Grant Crack): Thank you very much, Ms. Fife. Just for clarification purposes, under number (7), it is written in my document, in the motion, “within 30 days.” You had mentioned “within 60.” I just want to make sure we have clarification.

Ms. Catherine Fife: Yes, 30 days.

The Chair (Mr. Grant Crack): Thirty days it is. Okay. Thank you. Further discussion?

Ms. Catherine Fife: This motion sets out rules for third-party name changes, changes of information, voluntary deregistration and deregistration by the Chief Electoral Officer for violations. This just is an added layer, I think, of clarity around who a third party is, what

their name is and if they are registered, and so it's very clear about who third parties are. If name changes do occur, it has to go through a registered process.

1740

The Chair (Mr. Grant Crack): Further discussion? There being—Ms. Malhi.

Ms. Harinder Malhi: I recommend voting against this motion because it requires the CEO to deregister a third party if it is determined that it or its principal officers cease to be at arm's length from a political actor. The provisions proposed in government motion number 38 address similar issues around coordination between third-party advertisers and political actors, and the approach outlined in motion 38 is focused on activities, not the identities of the principal actors. It is a broader approach that would allow us to prevent more types of unwanted behaviour.

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: Well, the whole premise of having clarity around third parties and their relationship to candidates is set out very clearly in this amendment. That's the crux of the problem, right? If you have a third party acting as an agent on behalf of a candidate, this amendment speaks to the importance of knowing who that third party is and what their relationship is to the candidate, and then also having the ability to voluntarily deregister. The role of the CEO—the Chief Electoral Officer—is clearly outlined in this.

So I don't understand the counter-rationale against supporting this additional layer of accountability as far as third parties go. I don't understand why the government would not want that extra layer.

The Chair (Mr. Grant Crack): Further discussion? Ms. Malhi.

Ms. Harinder Malhi: We agree that it's critical to ensure that third parties and political actors cannot coordinate activities to get around the election financing rules, but the way to do that is to focus on the activities themselves, not the identities of the people involved. We voted down the definition of "arm's length" already.

Government motion 38 does address the same issues as this motion, but in a broader way that is more likely to capture a broader range of unacceptable activities. Government motion 70 also requires third parties to certify that they have not coordinated when they file their returns.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion number 66. Those in favour of PC motion 66? Those opposed to PC motion 66? I declare PC motion 66 defeated.

We shall move to section 38. There are no amendments. Any discussion on section 38? There being none, I shall call the vote. Shall section 38 carry? I declare section 38 carried.

Section 39: There are no amendments. Discussion on section 39? There being none, I shall call the vote. Shall section 39 carry? I declare section 39 carried.

We shall move to section 40. We have PC motion number 67, which is an amendment to section 40, clause 37.10.1(2)(a) of the Election Finances Act. Ms. Mangat.

Mrs. Amrit Mangat: I move that clause 37.10.1(2)(a) of the Election Finances Act, as set out in section 40 of the bill, be amended by striking out "\$24,000" and substituting "\$4,000".

The Chair (Mr. Grant Crack): Further discussion on PC motion 67? Ms. Mangat.

Mrs. Amrit Mangat: I recommend voting against this motion because the proposed motion significantly reduces spending limits on the third parties during the pre-writ period, so this would inappropriately curtail the free-speech rights of the third parties.

The Chair (Mr. Grant Crack): Further discussion on PC motion 67? There being none, I shall call the vote. Those in favour of PC motion 67? Those opposed? I declare PC motion 67 defeated.

We shall move to PC motion number 68, which is an amendment to section 40, clause 37.10.1(2)(b) of the Election Finances Act. Ms. Mangat.

Mrs. Amrit Mangat: Chair, I move that clause 37.10.1(2)(b) of the Election Finances Act, as set out in section 40 of the bill, be amended by striking out "\$600,000" and substituting "\$100,000".

I recommend voting against this motion because it's very critical to ensure that the right to engage in democratic debate is preserved, and we strive to reform the province's election rules.

The Chair (Mr. Grant Crack): Further discussion on PC motion number 68? There being none, I shall call the vote.

Mr. Lou Rinaldi: A recorded vote, Chair.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote, which will be entertained.

Nays

Fife, Hoggarth, Malhi, Mangat, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): I declare PC motion number 68 defeated.

We shall move to PC motion number 69, which is an amendment to section 40, subsection 37.10.1(3) of the Election Finances Act. Ms. Mangat.

Mrs. Amrit Mangat: Chair, I move that subsection 37.10.1(3) of the Election Finances Act, as set out in section 40 of the bill, be amended by striking out "registered candidate, or registered nomination contestant" and substituting "or registered candidate".

The Chair (Mr. Grant Crack): Further discussion on PC motion 69? Mr. Rinaldi.

Mr. Lou Rinaldi: I recommend voting against this motion. Removing references to nomination contestants from the act is inconsistent with the government's commitment to strengthening the rules around election financing and levelling the playing field among political participants.

The Chair (Mr. Grant Crack): Further discussion on PC motion 69? There being none, I shall call for the vote. Those in favour of PC motion 69? Those opposed? I declare PC motion 69 defeated.

There are no amendments to section 40. Is there any discussion on section 40 in its entirety? There being none, I shall call for the vote. Shall section 40 carry? I declare section 40 carried.

We shall move to section 41. There are no amendments. Any discussion on section 41? There being none, I shall call the vote. Shall section 41 carry? I declare section 41 carried.

We shall move to section 42, which is government motion number 70, which is an amendment to section 42, creating new subsection 37.12(8) of the Election Finances Act. Mr. Rinaldi.

Mr. Lou Rinaldi: I move that section 37.12 of the Election Finances Act, as set out in section 42 of the bill, be amended by adding the following subsection:

“Certification regarding no coordination

“(8) Every registered third party in its third party political advertising report shall certify that the registered third party and its agents, employees and independent contractors did not act in coordination with any registered political party, registered candidate, registered constituency association, registered nomination contestant, registered leadership contestant, or any of their agents, employees or independent contractors.”

The Chair (Mr. Grant Crack): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I recommend voting for this motion because the bill intends to address both real and perceived instances of coordination. Making the declaration through publicly available third-party advertising reports will increase transparency. This will be one step toward addressing public concerns about third-party advertising.

The Chair (Mr. Grant Crack): Further discussion on government motion 70? There being none, I shall call the vote on government motion number 70. Those in favour of government motion 70? I declare government motion 70 carried.

There is one amendment to section 42 that just carried. Is there any discussion on section 42, as amended? There being none, I shall call the vote. Shall section 42, as amended, carry? I declare section 42, as amended, carried.

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We'll move to section 43. There are no amendments. Discussion on section 43? There being none, I shall call the vote. Shall section 43 carry? I declare section 43 carried.

We shall move to section 44. We have NDP motion number 71, which is a proposal to create a new subsection, 44(1.1), new subsections 38(2.1) to (2.3) of the Election Finances Act. Ms. Fife.

Ms. Catherine Fife: I move that section 44 of the bill be amended by adding the following subsection:

“(1.1) Section 38 of the act is amended by adding the following subsections:

“Limitation: political party advertising expenses

“(2.1) The total campaign expenses incurred by a registered party and any person, corporation, trade union, unincorporated association or organization acting on behalf of the party for advertising during a campaign period shall not exceed the amount determined by multiplying the applicable amount by,

“(a) in relation to a general election, the number of electors in the electoral districts in which there is an official candidate of that party; and

“(b) in relation to a by-election in an electoral district, the number of electors in that electoral district.

“Applicable amount

“(2.2) For the purposes of subsection (2.1), the applicable amount is 30 cents, multiplied by the indexation factor determined under section 40.1 and rounded to the nearest cent.

“Advertising expenses included in campaign expenses

“(2.3) The advertising expenses permitted under subsection (2.1) are included in, and are not in addition to, the campaign expenses permitted under subsection (1).”

For us, this is pretty self-explanatory around limiting advertising.

The Chair (Mr. Grant Crack): Further discussion? Ms. Vernile.

Ms. Daiene Vernile: I'm going to recommend that we vote against this motion. Bill 201 seeks to enhance the fairness and transparency of the electoral process by limiting contributions by corporate and union donors, by restricting third-party advertising and by limiting political advertising in the six months before a general election. The proposed motion that we have in front of us is not in keeping with the intent of the bill, and Ontario already has the second-lowest spending limit in Canada when it comes to elections.

My concern is that this motion could disproportionately affect large rural and northern ridings. Chair, I know you're in a fairly large riding, a rural riding. Candidates there do more advertising. They're not able to go door to door the way those of us who are in urban ridings do, and they're not able to meet voters, so they need to advertise more.

For those reasons stated, we will be voting against this.

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: I wish the government side of the House had the same concerns around government advertising. If the goal is to level the playing field, you have to have some transparency. This is a very transparent motion with very clear guidelines about where political parties could advertise, so—

Interjections.

Ms. Catherine Fife: I don't mean to interrupt you.

This is something that we have moved forward by way of being very clear about where the money is spent from a political party perspective. For us, it's a very straightforward motion.

The Chair (Mr. Grant Crack): Further discussion on NDP motion number 71? There being none, I shall call for the vote on NDP motion 71.

Ms. Catherine Fife: Recorded vote, please.

The Chair (Mr. Grant Crack): A request for a recorded vote will be granted.

Ayes

Fife.

Nays

Hoggarth, Malhi, Mangat, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): I declare NDP motion number 71 defeated.

We shall move to NDP motion number 72, which is a motion to create a new subsection, 44(4), new subsection 38(3.5) of the Election Finances Act. Ms. Fife.

Ms. Catherine Fife: I move that section 44 of the bill be amended by adding the following subsection:

“(4) Section 38 of the act is amended by adding the following subsection:

“Amounts to be made public

“(3.5) The Chief Electoral Officer shall publish the campaign expenses limits for a campaign period, calculated in accordance with this section, promptly after the issuing of a writ for an election.”

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: I can't see how the government could not support this. This is about being open, being transparent and being clear around what the campaign expense limits are so that there is compliance, from a candidate's perspective, from a constituency association's perspective and from a political party perspective.

The Chair (Mr. Grant Crack): Further discussion? Ms. Vernile.

Ms. Daiene Vernile: Chair, I recommend we do vote for this motion, because the requirement for the Chief Electoral Officer to publish the spending limits promptly is something that we do support.

I want to mention that at second reading, we're going to be looking to further amend this proposal, to let the Chief Electoral Officer update the spending limits as required.

The Chair (Mr. Grant Crack): Further discussion on NDP motion 72? If not, I shall call for the vote.

Ms. Catherine Fife: Recorded vote, please.

The Chair (Mr. Grant Crack): There is a request for a recorded vote, which will be granted.

Ayes

Fife, Hoggarth, Malhi, Mangat, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): There are none opposed. I declare NDP motion 72 carried.

We have one successful amendment for section 44. Is there any discussion on section 44, as amended? There being none, I shall call the vote. Shall section 44, as amended, carry? I declare section 44, as amended, carried.

We shall move to section 45. We have PC motion 73, which is an amendment to section 45, section 38.2 of the Election Finances Act. Ms. Vernile.

Ms. Daiene Vernile: I move that section 38.2 of the Election Finances Act, as set out in section 45 of the bill, be struck out.

The Chair (Mr. Grant Crack): Further discussion? Ms. Hoggarth.

Ms. Ann Hoggarth: I recommend voting against this motion because removing references to nomination contestants from the act is inconsistent with the government's commitment to strengthen the rules around election financing and levelling the playing field among political participants. Nomination contestants should be subject to the same kinds of rules as other political participants in the democratic process.

The Chair (Mr. Grant Crack): Further discussion on PC motion 73? There being none, I shall call the vote. Those in favour of PC motion 73? Those opposed to PC motion 73? I declare PC motion 73 defeated.

There are no amendments to section 45. Any discussion on section 45? There being none, I shall call the vote. Shall section 45 carry? I declare section 45 carried.

We have one more. We've got two minutes left. We have government motion 74, which is an amendment creating new section 45.1, section 39 of the Election Finances Act. Ms. Vernile.

Ms. Daiene Vernile: I move that the bill be amended by adding the following section:

“45.1 Section 39 of the act is repealed.”

The Chair (Mr. Grant Crack): Discussion? Ms. Hoggarth.

Ms. Ann Hoggarth: I recommend voting for this motion because this seeks to repeal the section of the act relating to the foundations created by political parties. These foundations had been used to hold assets of the political parties immediately prior to the party filing an application for registration under the Election Finances Act.

A key feature of this bill is to increase transparency about the amount and sources of financial contributions to political parties, nomination contestants, constituency associations and candidates. The wording in the current act has a gap where funds transferred from a political party's foundation to that party or constituency association or a candidate are not considered as a contribution. Supporting this motion will close that gap.

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: We will be supporting this amendment as well. We appreciate the fact that it will strike from the Election Finances Act the requirement that parties create non-profit corporations as a foundation to manage the party's assets. So, on that note—

The Chair (Mr. Grant Crack): Any further discussion on government motion 74? There being none, I shall call the vote. Those in favour of government motion 74? I declare government motion number 74 carried.

It is 6 o'clock. This meeting is adjourned. Thank you very much for all the hard work you all did.

The committee adjourned at 1800.

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